

**KAVANAUGH
CONFIRMED**
FRED BARNES • JOHN MCCORMACK

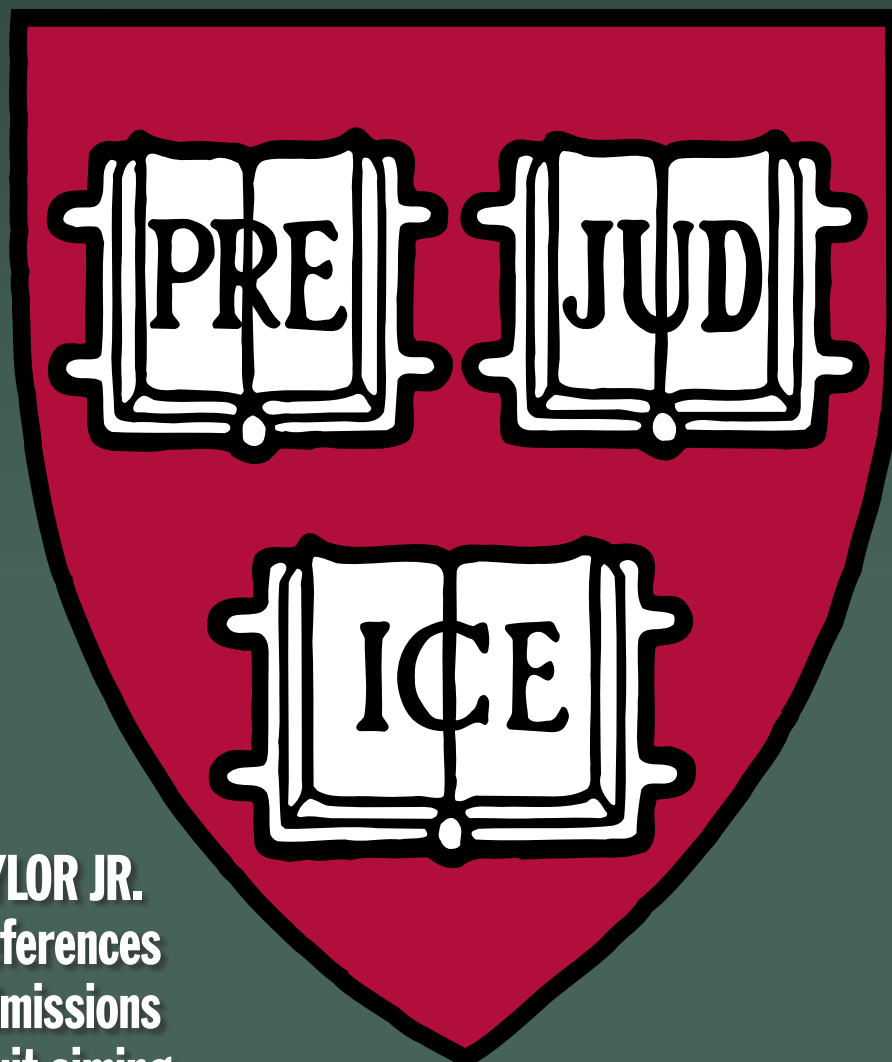
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HARVARD ON TRIAL



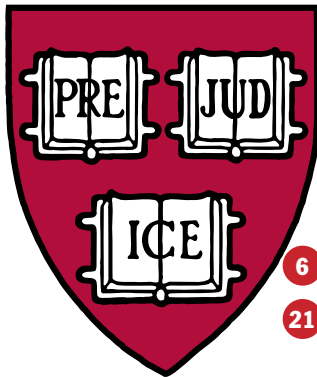
STUART TAYLOR JR.
on racial preferences
in college admissions
and the lawsuit aiming
to end them

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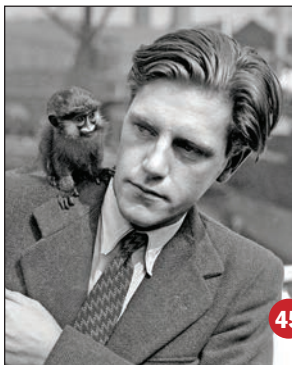


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HillBilly Elegy

We've been to some electrifying concerts in our day, but THE SCRAPBOOK is holding out little hope for a 13-city tour the entertainment firm Live Nation announced this week: "An Evening with President Bill Clinton and former Secretary of State Hillary Rodham Clinton."

Like a reunion tour of fading '80s rockers, the shows are likely to attract groupies and hardcore fans, but don't expect casual observers to spring for the tickets, which are going for between \$50 and \$375. No word on whether there are backstage passes or what such VIP credentials might grant access to.

The evenings, Live Nation says, will "feature joint on stage conversations with the two leaders sharing stories and inspiring anecdotes that shaped their historic careers in public service, while also discussing issues of the day and looking towards the future." Sounds like a rollicking good time, huh? But really—what sort of Solomonic wisdom can we expect from a pair who've been on our TV screens for the last quarter-century? How many cons will the Clintons inflict on America—the massive unreadable memoirs that fetch

million-dollar advances, the high-dollar commencement addresses—before their fans realize they're being swindled to support this obnoxious pair's globetrotting lifestyle?

A few more, we gather.

The series kicks off on November 18 in Sin City (no, really) and then stretches interminably, like the

Whitewater paper trail, for another six months. The Clintons will mostly hit left-wing bastions where people abhor Donald Trump's fibs but don't mind paying to hear the Clintons': Los Angeles, New York, Seattle, Washington, Boston.

Oh, and Detroit. At last, Hillary will get to spend time in Michigan. ♦



Latter-Day Rebrand

Mormons don't want to be called Mormons anymore. "The Church of Jesus Christ of Latter-day Saints" is a bit of a mouthful—a bit like "the United States of America," come to think of it—but in August the president of the church, Russell M. Nelson, issued a written edict about using the church's full name. More recently, he made the announcement at the church's semi-annual general conference that the name change is not optional. Let us forget that church members also consider Nelson a living prophet, he declared the name change is a "command of the Lord" and went on to say

that the use of *any* nicknames—"the LDS church," "Latter-day Saints"—"is a major victory for Satan."

Welp—settles *that* question.

But Nelson also seems to expect the media and the rest of the world to honor this command. That might be a bit of a problem. While the name of the church was never officially the "Mormon church," the church still follows the teachings of the Book of Mormon—the text church founder

Joseph Smith claimed to have found buried in upstate New York after being visited by an angel named Moroni—and church members have historically had no problem referring to each other as Mormons. The church itself has permitted the term in various ways; hence, for example, the Mormon Tabernacle Choir.

We don't relish the role of back-seat prophet here, but what's this all about? Major name changes are ordinarily about rebranding after an institution's reputation has suffered. Mormonism has not always enjoyed a status of high respectability in American culture—there were the bloody feuds, a small war with the federal government, and perhaps one or two



other issues—but these things are long past. Theological disputes aside, *Mormon* is a compliment. ♦

Can We Just Watch the Game?

The work of ruining sports continues apace. The *Atlantic* last week announced the hiring of Jemele Hill, a “wonderfully talented journalist who is famous for her acute commentary, fearless writing and encyclopedic knowledge of sports,” the magazine’s editor, Jeffrey Goldberg, said in a press release. “There are a million stories to be uncovered at the intersection where sports, race, money and politics meet,” Goldberg went on, “and Jemele is the exact right person to do this uncovering.”

Oh, no—one of those “intersections.” Hill emphasized the point. “You can’t talk about sports without talking about race, class, gender and politics,” she said. “I want to explore the complications and discomforts with a publication that has a long history of supporting this kind of work.”

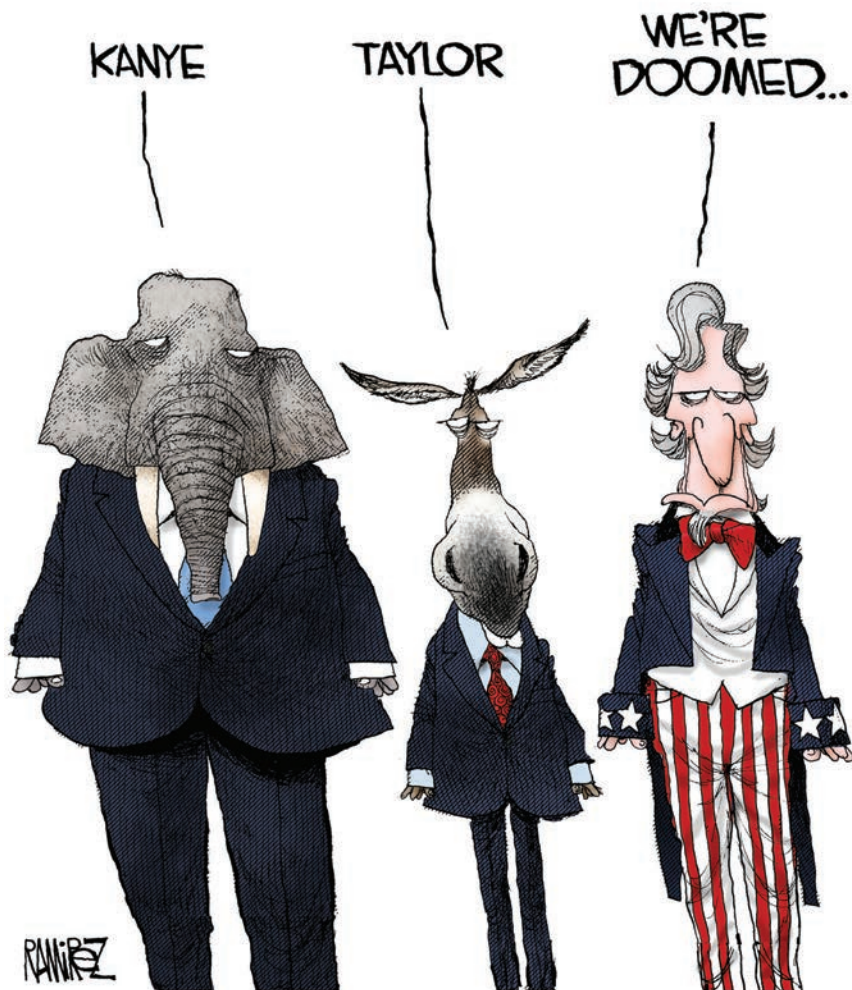
In fact, you *can* talk about sports without talking about race, class, gender, and politics. The guys and gals at the *Atlantic* should try it some time!

We wish Jemele Hill well in her new post, but we regret the triumph of her outlook. It becomes harder and harder to find respite from political questions. Indeed, we used to enjoy watching college and professional sports with our friends. Now we spend our time sullenly reading the *Atlantic* and regretting all those complications and discomforts. ♦

cal questions. Indeed, we used to enjoy watching college and professional sports with our friends. Now we spend our time sullenly reading the *Atlantic* and regretting all those complications and discomforts. ♦

Long Past That?

For as long as THE SCRAPBOOK can remember, we’ve watched impressive Republicans run for the Senate in New Jersey and flop. No Republican has won a Senate seat in the Garden State since Clifford Case was re-elected in 1972.



It took an exceptionally bad Democratic incumbent, but Sen. Bob Menendez might just make the dream come true. Menendez was indicted on corruption charges in 2015. The trial finally ended in a hung jury, but that is a very different thing from exoneration. The latest polls from New Jersey have Republican challenger Bob Hugin within the margin of error.

A report this month from the *Star-Ledger* has hopes even higher. The incumbent, it seems, may have taken the African-American vote for granted just a little too obviously.

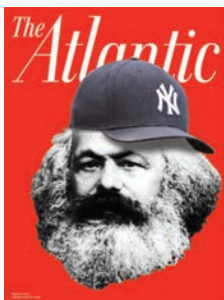
Bishop Jethro James, leader of an 86-member black pastors’ association, is upset the Menendez camp seems to assume they have the black vote wrapped up.

“The Democrats have been taking the African-American vote for granted for too long,” he said in his office at Paradise Baptist Church in Newark. “It’s an insult. Some folks in the two-party system think this is like a political plantation: ‘You do what we say.’ We are long past that.”

The source of James’ ire was a call he received from T. Missy Balmir, a senior adviser for Menendez and veteran player in Democratic state politics. The call came after James hosted Hugin in his 400-member church a few weeks ago.

“They basically said, ‘Why did you invite him to your church? Why did you have a Republican in?’” James recalled.

Speaking only for ourselves, we’ve never been entirely comfortable with the practice of having political



candidates speak (i.e., campaign) in churches. But Bishop James is absolutely right to suspect that New Jersey Democrats assume black voters will support them and that they need pay little attention to them. The trouble is Republicans—and not just in New Jersey—make the same assumption and don't even try to win African-American support.

If Hugin changes that, count on it: He wins. ♦

Interesting Times

We suspect some of our readers are pretty well tired of reading about the Kavanaugh confirmation fight. So are we. Allow us to press your patience one more time. This week a friend of THE SCRAPBOOK passed along a nearly 20-year-old article from the *New York Times*, and we thought perhaps our readers might enjoy pondering a passage from it.

The *Times*, we need hardly point out, was relentless in its effort to find any smidgen of untoward or unethical behavior in the youthful history of Brett M. Kavanaugh, to the point that every day seemed to bring forth some preposterous non-revelation about a barroom scuffle or a dirty prank perpetrated by a fraternity to which the nominee once belonged. Almost totally absent from the *Times*'s coverage was any acknowledgment of the doubts a reasonable person might entertain about Christine Blasey Ford's allegation that Kavanaugh had assaulted her in 1982. The problems, to simplify, were these: No witness, including some she suggested, would corroborate her claim, and her own testimony was often ambiguous and vague.

Well, things have changed. On February 24, 1999, the paper reported on a lawsuit brought against President Bill Clinton by Juanita Broadrick, who claimed back



Don't they owe me?

in 1992 that Bill Clinton had once sexually assaulted her in an Arkansas hotel room. Wrote the *Times*:

The allegation was passed on to reporters for The Los Angeles Times and The New York Times in the waning days of the 1992 Presidential campaign. Regarding it as the kind of toxic waste traditionally dumped just before Election Day, both newspapers passed on the story—that a nursing-home executive had been sexually assaulted in 1978 by Bill Clinton, then the Attorney General of Arkansas.

We're not sure the two dailies would have regarded the allegation as "toxic waste" if it had had to do with George H. W. Bush, but then again, perhaps they would have—*autres temps, autres mœurs*. In any case, they were right to sit on the story.

Why? As the piece went on to say, "the problems with Mrs. Broadrick's accusation are obvious":

There is no physical evidence to verify it. No one else was present during the alleged encounter in a Little Rock hotel room nearly 21 years ago. The hotel has since closed. And Mrs. Broadrick denied the encounter in an affidavit in January 1998 in the Paula Jones case, in which she was known only as "Jane Doe No. 5." Through all those years, she refused to come forward. When pressed by the Jones lawyers, she denied the allegation. And now, she has recanted that denial.

The logic prevailing among *Times* editors today—that all women must be believed when they allege sexual harassment or assault, even if their accusations have no corroboration and even if the story changes over time—wasn't much in evidence in 1999.

Could it be that political considerations affect the way the *New York Times* covers stories about sexual misconduct? Nah. Surely not. ♦



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The Days Dwindle Down

My daughter came to visit for the long weekend. Some friends mentioned that they were driving across the state, and so—on a whim, at the last minute—she threw some clothes in a bag, gathered up her schoolbooks, and piled into the car with her friends. And why not? It's just 350 miles or so from the western side of South Dakota. Only a handful of hours on the road to come sleep on the couch in the little house I've been renting on the eastern side of the state, where I teach a few philosophy courses during the school year.

she returned, bemused, to ask, "Do you remember when a month seemed like a long time?"

We used to have a list of joking signals that one has grown old. When you stop being able to recognize half the songs on AM radio's top-10 list. When you stare at the celebrity-gossip tabloids in the racks at the supermarket checkout line and realize you haven't heard of most of the celebrities being gossiped about. For that matter, when Hamlet starts to seem a young idiot and *King Lear* feels like Shakespeare's most telling play.

But the best sign may be the lack

fascination with ordinary life so profound. It may be simply because time doesn't stretch enough anymore to feel boredom. It may be because the clock is a lot less limber than it used to be.

Around 100 A.D., Plutarch related a story he heard about the Temple of Ammon in Egypt, where a flame for the oracle (famously consulted by Alexander the Great) had been kept burning for centuries. According to the priests—whose measures were religiously exact and whose records were complete nearly to the founding of the temple—the eternal fire needed less oil in a year than it had when the temple was built. What's more, the decrease was consistent, each year requiring less oil than the year before. And the cause, the priests suggested, was the slow changing of

the astronomical order. The years have grown shorter and time itself has picked up speed.

Plutarch expresses a little genial skepticism, having one of his characters observe that the nature of the purchased oil may have changed over the years, or the air of the temple may have become so saturated that the flames needed less fuel. This isn't like guessing at the length of a lion from the size of its paw prints, Plutarch suggests. This is claiming a fundamental alteration in the universe from old ledgers in a dying Egyptian temple. We should refuse, he says, to draw a great conclusion from a trivial premise.

And maybe so. It's a little much, I suppose, to extrapolate the whole arc of human life from the fragment of my daughter's ability to dash across the state on a whim. At the last minute. Still, as we grow older, time does come to seem less limber, less plastic and pliable, than it did when we were young. And the hours and months slip by much faster, consuming less oil as they burn.

JOSEPH BOTTUM



On a whim. At the last minute. Is it the whims that falter as we grow older? Or the minutes that grow weak? My college-aged daughter is like a speedboat, circling back in a flash to bounce across her own wake. These days, I feel more like a ponderous oil tanker. It takes me miles and many hours to shed my inertia and accomplish even a small course adjustment.

A few years ago, I was scheduled to fly off on a trip. I can't recall where. Some swing through the colleges in a region somewhere, giving talks. And one day my wife said she'd noticed the trip on the calendar and wanted to be sure I had remembered to make the arrangements: plane tickets, rental car, and all the rest. "There's only a month before you leave," she pointed out. A few minutes later

of nimbleness in time. Scheduling becomes more complicated. Leaving proves more cumbersome. I've always pictured myself as someone who travels light; a few clean clothes and a book or two should be enough to see me through. But now it's medicines and electronics and extra shoes and multiple pairs of eyeglasses. And trousers to wear rolled.

Besides, the calendar is overfull with small commitments and minor plans, the regular tasks that squeeze our days down into smaller and smaller portions, till the months no longer seem a long time and the hours burn away quicker. I can't remember the last time I was bored: truly bored, in that complete, world-rejecting way we could once feel. But I fear it's not because my life is so exciting or my

After Affirmative Action

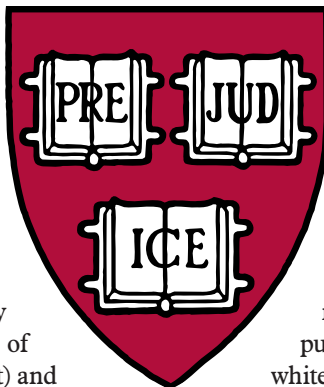
On October 15, the U.S. District Court in Boston will begin hearing a lawsuit alleging that Harvard University's admissions policies unconstitutionally discriminate against Asian Americans. Students for Fair Admissions (SFFA), a coalition of several Asian-American groups headed by the conservative legal scholar and activist Edward Blum, contends that Harvard's affirmative-action policies, by favoring black and Latino students, unfairly penalize better-qualified Asian Americans. The case is likely destined for the Supreme Court.

As Stuart Taylor Jr. explains in our pages this week, the group's argument is virtually unassailable. A 2012 internal document analyzing admissions data over 10 years by Harvard's Office of Institutional Research (OIR)—which SFFA obtained after a legal challenge—found that if students were admitted based on academic scores alone, on average less than 1 percent of Harvard's entering freshman class would have been African American, and only 2.42 percent would have been Latino. Most of the rest would have been white (38.37 percent) and Asian (43.04 percent). Like most of our elite institutions, Harvard considers nonacademic factors in its admissions decisions: extracurricular activities, athletic achievements, personal qualities, and so on. The OIR document found that factoring in these considerations helped black and Latino students, but not that much: Taking these non-academic factors into account absent affirmative action, the average freshman class would have been 2.5 percent black and 4 percent Latino. But black and Latino students each make up around 14 percent of Harvard's student population. Asian Americans make up around 22 percent, but SFFA argues persuasively that number would be far higher in the absence of racial preferences. Asian Americans' academic scores are vastly better than those of any other group, and their extracurricular activities more or less match those of whites.

In its 1978 *Bakke* decision and 2003 *Grutter* decision, the Supreme Court allowed the legitimacy of the use of racial preferences in admissions decisions on the grounds that "diversity" is a compelling state interest. But *Grutter* also insisted, in a majority opinion written by Sandra Day O'Connor, that race-based admissions policies must not be permanent. There is no evidence that Harvard or any other

elite institution has any plan to phase out its affirmative-action policies. These universities appear to be in open defiance of *Grutter*, and it is well within the realm of possibility that the new conservative majority on the Supreme Court would declare race-based admissions unconstitutional.

In the most important sense, that would be a sound and right outcome. Harvard's defenders can dance around the question all they like, but the key fact is undeniable: Affording preferential treatment to those of one race necessarily penalizes others for their racial identities. It is fundamentally un-American.



And it hasn't worked. Affirmative action began with the best of intentions, but it has not achieved anything resembling the racial parity and improved performance that were its goals. It has actually created new problems. The most obvious is that black and Latino students are frequently thought to have benefited from unfair preferential treatment, thus narrowing their employment opportunities. They often arrive on campus, moreover, ill-prepared to keep up with their white and Asian peers, resulting in struggling performance and understandable resentment.

If the Court does in due course prohibit universities from considering race in their admissions process, conservatives may rightly applaud the end of a disastrous practice. But it won't be enough simply to applaud. A mandated end to affirmative action, whether an immediate one or, more likely, a court-ordered timetable for its disappearance, would almost certainly result in a steep drop in the number of Latinos and African Americans attending our elite institutions. Those who aren't able to get into an Ivy League school won't find it hard to attend another school. But the social upheaval brought about by the end of race-based admissions will want much more than facile satisfaction from conservatives.

One of the dire effects of universities' use of racial preferences is that they encourage us all—university officials, policymakers, commentators, ordinary citizens—to ignore the underlying social problems that led universities to embrace affirmative action in the first place. Elite universities are eager to admit more African American and Latino students because they are eager to appear to be the progressive and forward-thinking institutions they claim to be, not because they care so deeply about the success of underprivileged and underperforming racial minorities.

The end of affirmative action—even assuming that universities continue their racial-preference policies in ways that are harder to trace—would afford Americans a once-in-an-era opportunity to address the gap between black and Latino performance and that of whites and Asians. That gap is wide and shows no sign of narrowing. In the math tests administered by the National Assessment of Educational Progress (NAEP), only 7 percent of black 12th-graders scored at or above the “proficient” level in 2015. That’s compared with 12 percent of Latinos, 32 percent of whites, and 47 percent of Asian Americans. This is not new, but it may be getting worse: From 2000 to 2015, the black-white gap in 12th-grade NAEP reading scores grew substantially.

Nor does income explain the difference. The available evidence shows that whites from lower income levels outperform African Americans from higher income levels in both reading and math. Claims by progressives that these problems are the results of curtailments in social welfare programs are unsupported by solid evidence.

What explains the difference is inferior educational opportunities at school and at home. It’s a sensitive sub-

ject, but elite liberal commentators and academics do underperforming minorities no favors by avoiding any mention of the cultural pathologies that keep many highly capable minority students from academic success. Thanks largely to the grievous dissolution of the two-parent family, a breakdown abetted by well-meaning state and federal welfare policies, too many black children show up for their first day of school at a major disadvantage.

Daniel Patrick Moynihan famously made this argument as the Johnson administration’s assistant secretary of labor. His 1965 report, *The Negro Family: The Case for National Action*, brought little but condemnation from the author’s fellow liberals. That was more than a half-century ago. One hopes against hope that what we’ve lost in broken lives and racial resentment, we’ve gained in honesty. For too long, attempts to bridge the achievement gap have focused on lowering academic standards for black students rather than on improving their educational opportunities. The Supreme Court may side with Harvard and enshrine the legitimacy of affirmative action forever. If it does not, racial-preference policies can no longer serve as an excuse to avoid making right an enduring national failure. ♦

Hillary Goes Lower

Every few months, Hillary Clinton likes to remind America why she lost the 2016 election. Back in March, recall, she told an audience that she “won the places that represent two-thirds of America’s gross domestic product. So I won the places that are optimistic, diverse, dynamic, moving forward, and his whole campaign, ‘Make America Great Again,’ was looking backwards.” The smart people voted for her, and the mouth-breathers voted for the other guy. Charming.

That Clinton holds half the country in disdain is no longer remarkable. Her latest expression of disgust, however, isn’t just ugly but culpably irresponsible. “You cannot be civil with a political party that wants to destroy what you stand for, what you care about,” Clinton said on October 9. “That’s why I believe, if we are fortunate enough to win back the House and/or the Senate, that’s when civility can start again.”

We leave it to our readers to decide whether the party of Chuck Schumer, Dianne Feinstein, Cory Booker, and Kamala Harris—the party that gleefully portrayed Brett Kavanaugh as a gang rapist in an effort to kill his confirmation to the Supreme Court—is prepared to restore civility in the nation’s capital. Probably not, would be our view. But



Not a leader

Clinton’s assertion that one “cannot” treat Republicans with civility amounts almost to an act of rhetorical sedition.

It’s fair to point out that the GOP has generated some uncivil conduct of its own, beginning, of course, with the president himself, but the last few months have seen representatives of Clinton’s camp—Democrats and progressives—behave in ways that go beyond incivility and border on manic. The shrieking protests that disrupted the Kavanaugh hearings and confirmation vote—coordinated with the help of elected Democrats—were only the latest instance of the

party’s spiteful hysteria.

The home addresses of GOP members of the Judiciary Committee were posted to Wikipedia during the Kavanaugh hearings by a Democratic staffer, and one zealot sent what appeared at first to be ricin to the White House and the Pentagon. In California, a deranged man attempted to stab a GOP congressional candidate with a switchblade, and Republicans from Ted Cruz and Mitch McConnell to Kirstjen Nielsen have been chased from public places by fanatical leftists.

All this while Democratic party leaders either stay

silent or hint at approval. When CNN's Dana Bash asked Hawaii senator Mazie Hirono, "Should the going after people at restaurants stop?" Hirono replied, "This is what happens, you know. They—because when you look at white supremacists and all that, this is what is coming forth in our country. . . . this is the kind of activism that occurs. And people make their own decisions." We'll take that as a "No."

One would think that Clinton, who craves popularity and clearly wants another leadership role, would have sense enough to urge moderation and civility during a dangerously acrimonious time in the nation's history. But that would be to assume Hillary Clinton is a leader. She has always been a follower. Today she applauds the lunatics who harass and scream at those with whom they disagree. What will she applaud tomorrow? ♦

T-Swizzle Goes Political

Taylor Swift has broken her silence on politics. We're not sure why she finally chose to speak now, but we welcome her to the debate. The target of her ire? Not Donald Trump or Roy Moore. Not U.S. withdrawal from the Paris climate accord or passage of corporate tax cuts. No, Swift's debut in political advocacy consists of an October 8 Instagram post denouncing . . . Marsha Blackburn.

The Tennessee congresswoman is running for the Senate seat occupied by the retiring Bob Corker. Blackburn is solidly conservative—she is energetically pro-life and voted many times to repeal Obamacare. She is also a vocal supporter of Donald Trump. Her opponent, former Tennessee governor Phil Bredesen, was the lucky one receiving Swift's endorsement. He holds liberal positions on most issues but, as a red-state Democrat, mostly avoids the statism, social progressivism, and virtue-signaling to which much of his party is given. Not long ago, for instance, he insisted that the accusations against Brett Kavanaugh were insufficient to merit voting against him.

There's something endearing about a pop-music idol who jumps into politics fearlessly by pronouncing on a Senate race about which most of the nation is wholly ignorant. And we admit to being a bit surprised Swift isn't on team red. But the problem with Swift's post wasn't so much her support for Bredesen or rejection of Blackburn as the reasons she offered for her view. "[Blackburn's] voting record in Congress appalls and terrifies me," wrote T-Swizzle. "She voted against equal pay for women. She voted against the Reauthorization of the Violence Against Women Act, which attempts to protect women from domestic violence, stalking, and date rape."

By "voted against equal pay for women," we assume Swift was referring to Blackburn's 2009 vote against the Lilly Ledbetter Fair Pay Act, which codified the principle that if an employer is guilty of wage discrimination against



Taylor, appalled and terrified

an employee, that discrimination takes place with each paycheck; hence the statute of limitations begins anew each time the employee is paid. The bill was a response to a 2009 Supreme Court decision holding that the statute of limitations for wage discrimination cases begins at the time of the original discriminatory act (when the employee's wage was determined). Five Democrats and 172 Republicans—including Blackburn—voted against the bill on the grounds that it risked opening employers to frivolous discrimination lawsuits. Their objection, even if one disagrees with it, was entirely reasonable. For Swift, though, Blackburn just doesn't want equal pay for women.

Her vote against reauthorizing the Violence Against Women Act was similarly reasonable. Blackburn had been for reauthorization of the original bill but against the expanded Senate version because the latter gave protections to men in same-sex relationships. Swift might have wondered why a woman would vote against a bill that purported to curb violence against women, but she concluded that Blackburn was simply for violence against women.

Swift went on to say that Blackburn opposes same-sex marriage (which is true) and that she "believes businesses have a right to refuse service to gay couples" (we think she means Blackburn is against forcing bakers to create same-sex wedding cakes, but sure). "These are not MY Tennessee values," Swift concluded.

It's not yet clear whether this foray into electoral politics means everything has changed for Swift. Will she be weighing in on races forever and always? We do know that she is a gifted musician and entertainer who has a massive, loyal following. While we're not sure of her end game, if she uses her standing to encourage younger Americans to pay attention to politics, we're for it.

Our friendly advice: It'll probably be better for her reputation if in the future she demonstrates a deeper understanding of the issues. ♦

FRED BARNES

Senate Democrats: a new and even lower bar

In 1987, when Robert Bork met with Senator Edward Kennedy on the eve of his nomination as a justice of the Supreme Court, it was an awkward visit. Kennedy said his response would not be personal. He said that several times.

Instead he gave a speech that brutally and dishonestly caricatured Bork's judicial philosophy. It became infamous for capturing the thrust of the Democrat-controlled Senate Judiciary Committee's treatment of Bork, a practice known to this day as "borking."

Here's part of what Kennedy said:

Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight raids, school-children could not be taught about evolution, writers and artists would be censored at the whim of government, and the doors of the federal courts would be shut on the fingers of millions of citizens for whom the judiciary is often the only protector of the individual rights that are the heart of our democracy.

Bork was denied confirmation, 58-42. And for decades, his treatment stood as the most unfair and hostile thing that could happen to a High Court nominee. It was ideological assassination.

Now there is worse—the character assassination of Brett Kavanaugh. The Democratic members of the Senate Judiciary Committee had 306 opinions by Kavanaugh from his 12 years as a judge on the U.S. Court of Appeals for the District of Columbia from which to consider how he evaluates and rules on cases. Few nominees have ever offered such a sweep-

ing look into their judicial philosophy.

The committee's 10 Democrats largely ignored this record. For their purpose—blocking Kavanaugh by any means necessary—his judicial opinions were a dry hole. They needed to blacken his reputation, raise doubts about his honor, and challenge his truthfulness. If all that failed, they could try to delay the hearings past



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the midterm election on November 6, in which Democrats might, if they are lucky, take control of the Senate.

The 11 Republicans were the majority, but Democrats had one big advantage. The media were on their side, ready to help derail Kavanaugh in any way they could.

Here's what Democrats, the press, and their allies threw at Kavanaugh:

(1) Disruption. Democrats created havoc at the hearing from the moment it started. They demanded so many irrelevant documents that examining them could take months—a fatal delay. When Chairman Chuck Grassley refused, Republicans were accused of hiding information.

(2) Conspiracy. Dianne Feinstein, the ranking Democrat on the committee, sat for six weeks on a secret letter from a woman accusing Kavanaugh

of assaulting her when they were both teenagers. Then it leaked. Many Democrats said they believed her. Her story was uncorroborated and was falling apart as the nominee was confirmed.

(3) The "bad temperament" trap. Kavanaugh saved his nomination with an emotional speech defending himself against slanders. He criticized his twin antagonists, Democrats and the media. They retaliated, declaring Kavanaugh lacked the proper temperament to be a Supreme Court justice. They cited his speech as evidence. It wasn't. An emotional speech in defense of one's own reputation doesn't qualify as an example of a bad temperament.

(4) Perjury. In his testimony on the most petty matters—his high school yearbook, his youthful beer drinking—Kavanaugh was sometimes lawyerly. The subject matter was an embarrassment to him and should have been embarrassing to the senators who questioned him. Instead, they accused him of perjury. Kavanaugh testified that he may have had too much to drink but had never blacked out. Several long-ago acquaintances claimed he had. That's a disagreement, not perjury.

(5) No presumption of innocence. Democrats figured since it wasn't a court of law, the burden of proving he hadn't assaulted Christine Ford fell on Kavanaugh. This was Soviet-style logic. But Democrats seemed comfortable with it.

(6) An unexamined accuser. Ford was not investigated, though she had no contemporary witnesses and didn't speak of the alleged assault until she participated in a therapy session three decades later. Ford and her lawyers refused to release the notes from that session.

All in all it was a disgrace. But Kavanaugh refused to back down, and Republicans stiffened their spines just

in time. Maybe they remembered Bob Bork. His mistake was engaging with Democratic senators on judicial philosophy, treating their questions as if they were asked in good faith.

Democrats knew they couldn't "bork" Kavanaugh, a federal appeals

court judge with an impressive record. So they personally brutalized him instead. Bork was banged around unmercifully, and his thinking was savaged by the likes of Ted Kennedy. That was unforgivable, but what was done to Brett Kavanaugh was worse. ♦

COMMENT ♦ CHRISTINE ROSEN

Facebook's relationship status with conservative employees: It's complicated

Silicon Valley is often praised for its enlightened workplaces, with tech companies offering amenities such as yoga classes, free organic food, and nap pods. But Facebook employees evidently believe these corporate perks extend to the coddling of their personal political views. At least that's one explanation for their overreaction to news that Joel Kaplan, Facebook's vice president of global public policy, showed up to support his friend Brett Kavanaugh during the latter's confirmation hearings for the Supreme Court. Kaplan was in Washington, D.C., in a private capacity, not as a representative of Facebook, and is a long-time friend of Kavanaugh (they were in each other's weddings). But as the recent hearings have shown us, the personal is now permanently political, even (and especially) for old friends.

Facebook employees were so incensed that Kaplan had attended the hearings that they flooded internal company message boards to complain. The tone grew so irate that Facebook founder Mark Zuckerberg himself attempted to reassure everyone by reminding them that Kaplan was not acting in an official capacity. This only exacerbated things. As the *New York Times* reported, one Facebook employee sensed a conspiracy: "[Kaplan's] seat choice was inten-

tional, knowing full well that journalists would identify every public figure appearing behind Kavanaugh. He knew that this would cause outrage internally, but he knew that he



Joel Kaplan's private decision to support his friend upset his fellow employees not because he'd violated company policy. It upset them because he is conservative.

couldn't get fired for it. This was a protest against our culture, and a slap in the face to his fellow employees."

The *Guardian's* "Week in Patriarchy" newsletter (yes, that's a thing) agreed, channeling Facebook employee anger and warning Kaplan: "You might think twice about publicly flaunting your support. You might think about what sort of message that would send to your colleagues and employees—not to mention the 2 billion people who use your social network."

But Facebook employees, like most other Silicon Valley denizens, don't even slightly mind sending messages when the cause or candidate is liberal. No Google employees threatened a walkout when chairman Eric Schmidt

advised Hillary Clinton's presidential campaign; no one batted an eye at Facebook when COO and board member Sheryl Sandberg openly endorsed Clinton. "Tonight, I am hopeful thinking about what it means for my children to watch Hillary Clinton accept the Democratic nomination for president of the United States and for me to [be] able to tell them #ImWithHer," Sandberg posted on Facebook at the time.

Facebook employees should not have been surprised to learn Kaplan has conservative friends. When the company hired him in 2011, he was known to be a conservative who previously worked for President George W. Bush. Indeed, Kaplan's presence is likely important to Facebook's executives in their effort to signal ideological diversity at a time when the company faces criticism from politicians on both sides of the aisle as well as from conservatives who believe the platform is ideologically biased against them.

Kaplan's private decision to support his friend upset his fellow employees not because he'd violated company policy (Kaplan had used a personal day for the trip and had broken no rules). It upset them because Kaplan is conservative. A cynic might wonder if one of the reasons Facebook just experienced the most serious privacy breach in its history is in part because its employees are too busy venting their liberal spleens on internal message boards to mind the store.

And Zuckerberg's reassurances about Kaplan failed to achieve the desired effect. A few employees even accused Zuckerberg of tacitly endorsing sexual assault and causing them "stress and trauma," according to the *New York Times*. Several female employees said they "would not feel comfortable working in the Washington office under Mr. Kaplan."

One of the few grownups in the room at Facebook, executive Andrew Bosworth, also faced a backlash after making a reasonable argument to employees: "If you need to change teams, companies or careers to make sure your day-to-day life matches your passions, we will be sad to see you go, but we will understand," Mr. Bosworth

wrote, according to the *Times*. “We will support you with any path you choose. But it is your responsibility to choose a path, not that of the company you work for.” Facebook employees were furious, and he had to apologize. “I spoke at a time when I should be listening and that was a big mistake.”

Eventually Kaplan had to offer a mea culpa for his “mistake” as well, appearing alongside Zuckerberg and Sandberg at what *Axios* described as an “intense” town hall meeting that was livestreamed to all of Facebook’s employees. Kaplan reiterated that he was at Kavanaugh’s hearings in a personal capacity, which didn’t prevent Zuckerberg and Sandberg from declaring it a “lapse in judgment” for him to have done so. Kaplan later posted an internal message to employees that said, in part, “I believe in standing by your friends, especially when times are tough for them,” according to the *Times*.

If you’re only comfortable working with people who agree with you politically, there are plenty of jobs that offer that opportunity—in politics, activism, and the nonprofit world, to name just a few. But if you work for a global corporate behemoth like Facebook, you’re likely to encounter people who don’t share your views, something plenty of people think is a benefit of a diverse workplace. Tolerance shouldn’t end where political differences begin.

But as the Kaplan episode at Facebook revealed, there’s a broader problem at work here: the insinuation of politics into every aspect of people’s lives, something the progressive left has encouraged in recent years. Don’t vote your conscience on your own time; make everything a cause, including the private activities of your coworkers. Don’t protest elected officials by peaceful means or at the ballot box by democratic ones—run them out of restaurants and corner them in elevators and post their home addresses online to encourage round-the-clock harassment. And by all means call out your colleagues for their private beliefs and their private behavior. At Facebook at least, friends don’t let friends be conservative. ♦

COMMENT ♦ PHILIP TERZIAN

The new Democratic message—rage and passion

The *Washington Post* introduced the latest redesign of its Sunday magazine October 7, and the cover story was a (very) long essay by its chief correspondent, Dan Balz. The essay was entitled “Who Will Lead the Democrats?” and its subtitle—“And Is There an Agenda That Can Actually Unite Them? A Definitive Inquiry into the State of the Party”—was a little prolix, as subtitles go, but not a bad summary of the piece.

Like his late *Post* colleague David S. Broder, Balz tends to reflect the conventional wisdom in political Washington, and there’s nothing wrong with that: The conventional wisdom is always useful to know. He also earns a certain respect among conservatives for his admirable habit of writing about Republicans without resorting to epithets. To be sure, this puts Balz among a very small minority of *Post* political writers, but it also gives him a measure of credibility his newsroom neighbors lack.

That trait was abundantly evident in the article. One of the things that intrigued me about it was that Balz approached the subject of President Trump in terms that publications like the *Washington Post* took a very long time to apply to Ronald Reagan. That is to say, he acknowledged the achievement of Trump’s surprising, even historic, election in descriptive, not pejorative, terms.

For Balz, it is self-evident that Trump has recast the Republican party in his image and, in 2016, appealed to voters on a spectrum of issues that Democrats may (or may not) be able to challenge successfully in 2020.

Even more surprising, most of the

Democrats he interviewed made the same point: Trump had poached on Democratic territory, had gotten away with it, and might well repeat that performance two years from now.

Of course, the Trump effect may be transitory. But as always, the challenge for Democrats is to reclaim the constituents their party has lost



As always, the challenge for Democrats is to reclaim the constituents their party has lost and find the requisite candidate and message.

and find the requisite candidate and message. Accordingly, Balz surveyed some familiar faces—Bernie Sanders, Elizabeth Warren, Joseph Biden—and consulted a few wild cards: the leftist California senator Kamala Harris, Colorado’s centrist governor John Hickenlooper, even the sui generis governor Jerry Brown of California, who is 80 years old and ran for president three times in the last century.

The other thing that intrigued me was the consensus among Democrats that while the party’s left-liberal wing has prevailed on most issues, and Clinton-era center-leftism is dormant, there was very little confidence, much less consensus, about what that means in practical terms. It is true, as many pointed out, that in 2016 the policy differences between Sanders and Hillary Clinton were comparatively trivial; but at the same time, the party’s

left and right wings seem equally persuaded that their particular mixture of issues and (some unknown) candidate might pull it off. Or not.

Which left poor Dan Balz back where he began: The Democrats may, in fact, *not* wake up before 2020 and in any case have no unifying leader and no clear message.

Here, however, his principal thesis was undermined by one of the vagaries of journalism. Because of the extended lag time between the writing of an article for the *Post* magazine and its actual publication—about two weeks, according to an editor’s note—there was no mention of the nomination of Judge Brett Kavanaugh to the Supreme Court. Indeed, the morning the magazine arrived for readers was the very day after Kavanaugh’s confirmation. Or put another way: The defining event of the midterm-election season—allegations of sexual misbehavior and excessive drinking and their handling by the FBI and the Senate—began and ended between the time Balz finished writing his essay and the day the *Post* Sunday magazine landed on my pavement.

Let this be a lesson to oracles: What appears to be self-evident on Wednesday may be obsolete by Thursday morning. I don’t mean to suggest that the cautionary notes struck by Dan Balz are invalid—indeed, it is unlikely that the Kavanaugh melodrama will retain its power until November 2020—but it’s valid to observe that the Democratic party has been shaken and stirred and, since last week, pointed in a new and radical direction.

In the short term, this might well be advantageous. Just as the Republican “base” was reportedly energized by Senate Democrats’ embrace of character assassination as a political weapon, the failure of the campaign had an equally energizing effect on Democrats. Republicans are gratified by Kavanaugh’s survival, but relief might well have a dampening effect on turnout. Democrats, by contrast, are seething with rage and aching to vote.

But to what end? The issues that roiled the Kavanaugh vote—attitudes

toward allegations of sexual misconduct, accusations of white privilege, the notion that a patriarchy governs our politics, the need for direct action in the streets—have agitated the left and won the allegiance of establishment Democrats. Yet these are endlessly debatable abstractions, abetted by a startling emotional element unlikely to appeal to a durable majority and bound to subside.

Moreover, they are wholly unmentioned by Balz or any Democratic strategist with whom he conversed. They are, in fact, reminiscent of the previous epoch—the late 1960s/early ’70s—in which the Democratic party was visibly transformed by a violent detachment from its recent past. George McGovern’s 1972 invocation of “the poor, the black, and the young” was a suitable response to the antiwar move-

ment, social unrest, a growing media consensus, and the confident conviction that radical upheaval was irresistible. But that message had limited appeal beyond the barricades. Even as the Vietnam war was being fought, and the voting age was newly lowered to 18, McGovern was famously trounced by Richard Nixon.

The lesson is simple for both parties: Emotion is a vital element in politics, but passions cool, time passes, and life goes on. Angry crowds make for great TV but seldom reflect widespread sentiment. Even the self-assurance of journalists is wishful thinking. The issues that stymied Dan Balz’s Democrats—economics, immigration, jobs, cultural values, America’s role in the world—will matter to voters long after Justice Kavanaugh’s high-school yearbook is forgotten. ♦

COMMENT ♦ MARK HEMINGWAY

Cop-and-court drama *Gosnell* is a rare exercise in truth-telling on abortion

The new film *Gosnell: The Trial of America’s Biggest Serial Killer* begins with a title card: “Most incidents portrayed are exact representations of court transcripts, police interviews, or eyewitness accounts.” Those familiar with the case involving the Philadelphia abortion doctor—and that’s not many; a big part of the story is how the media had to be shamed into covering it—can testify to the fact that the movie does in fact hew pretty closely to events.

It’s based on a long and horrifying article written by *Philadelphia* magazine’s Steve Volk, who conducted extensive interviews with Dr. Kermit Gosnell in prison, where he is serving life without parole. If anything, the movie had to tone down the details Volk and others reported, as they were so horrifying that the reality might have seemed over the top. Here’s how

an incident early in Gosnell’s career, in which he performed 15 abortions on second-trimester women using an experimental medical device, was described in grand jury testimony:

At the time that he agreed to do this, there was a device that he and a psychologist were working on that was supposed to be plastic—basically plastic razors that were formed into a ball. All right. They were coated into a gel, so that they would remain closed. These would be inserted into the woman’s uterus. And after several hours of body temperature . . . the gel would melt and these 97 things would spring open, supposedly cutting up the fetus, and the fetus would be expelled. . . . This was not something that was sanctioned by the FDA. This was just something that he decided—he and this guy decided they were going to use on these women.

The women were seriously injured,

and one had to have an emergency hysterectomy. And this all happened on Mother's Day in 1972, which is the kind of thing that, in a fictional script, would seem both needlessly sadistic and a little too on the nose. Instead, *Gosnell* simply refers to the device as a "ball of blades" and makes passing reference to the "Mother's Day massacre," which is devastating enough. Gosnell faced no professional or criminal consequences from the 1972 incident, or from the 46 lawsuits later filed against him, until his disgusting clinic was raided in 2010 as the result of an unrelated criminal investigation into drug running.

Aside from being convicted of killing babies born alive—he may have killed thousands of babies this way—Gosnell was convicted of the involuntary manslaughter of a patient. There are good reasons to believe that many more of his patients may have suffered serious complications or even died from his negligence. (Among other things, Gosnell's penchant for reusing medical instruments without proper sterilization passed sexually transmitted diseases to his patients.) The titular description of him as "America's Biggest Serial Killer" doesn't seem like hyperbole.

One horrifying detail from Volk's reporting that does make its way straight into the movie is that while Gosnell's home was being searched, the doctor sat down at the piano and played Chopin while the cops were busy uncovering jars full of baby parts and venturing into a basement so flea-infested they had to don hazmat suits.

Despite all this, the film is not especially lurid or macabre. It plays out as a straight police and courtroom procedural and feels and looks like a basic cable, made-for-TV movie, albeit a better than average one. The comparatively minuscule budget for *Gosnell* was mostly covered by \$2.3 million raised in crowdfunding from conservatives and pro-life activists.

While it would have been nice to see what an A-list director with a big budget could have done with such source material, it goes without saying that the entertainment industry wasn't about to make this film. After all, it reaches the inescapable conclusion that women and children died at the hands of a monster because liberal orthodoxy carves out an exception for abortionists from its usual insistence that medical practitioners be adequately regulated and scrutinized.

Instead, *Gosnell* was made by a



If anything, *Gosnell* had to tone down the details writer Steve Volk and others reported, as they were so horrifying that the reality might have seemed over the top.

who's who of those who are openly conservative in Hollywood. Veteran actors such as Dean Cain, Sarah Jane Morris, Earl Billings, and Janine Turner do fine jobs. Nick Searcy, a talented character actor best known for playing Raylan's boss on the TV series *Justified*, ably directs the movie and nearly steals the show as Gosnell's aggressive lawyer. And the script is very strong thanks largely to the work of Andrew Klavan, the acclaimed novelist and screenwriter who has a sideline as a conservative blogger.

I would be remiss if I failed to add that Cyrina Fiallo does a fine job of portraying "Molly Mullaney," a character that is a composite of two real-life journalists. The first, Philadelphia reporter J.D. Mullaney, doggedly covered the trial when the national media ignored it. The other is my wife Mollie, a media critic who also extensively covered the story and got a *Washington Post* health care reporter, whose political sympathies were

rather obvious, to admit she wasn't covering the Gosnell trial because it was a "local crime story," prompting considerable social media outrage. (Fiallo is lovely, and I hope she will forgive me for also saying that this may be a rare instance of the Hollywood star's being less attractive than her real-life counterpart. Consider any bias I might have here disclosed.)

Abortion rights are such an inviolable part of the belief system of the American left that no doubt many will dismiss the film as a right-wing political statement, which would be deeply unfair. Husband and wife documentarians Phelim McAleer and Ann McElhinney not only cowrote the script but worked tirelessly outside the Hollywood system to get the film made. And given its budget and the obstacles to even getting a film such as this completed, *Gosnell* is better than anyone expected. If that seems like damning with faint praise, it's not. The film accurately depicts actual events, thereby displaying more integrity than, say, recent HBO films about Sarah Palin and Anita Hill, which did little more than dramatize predictably partisan caricatures.

There's no getting around the film's lack of the high-gloss production values that only money can buy. But no fair-minded person can argue that *Gosnell* doesn't do one thing good art is supposed to do: tell the truth. That it took small donations and a handful of actors risking their careers to call out such obvious evil and injustice says a lot more about the politics of Hollywood and the media than it does about conservatives. ♦

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Can He Withstand a Blue Wave?

Rep. Will Hurd keeps his head above water in Texas's most competitive district. **BY HALEY BYRD**



Rep. Will Hurd with constituents at Baby Faye's BBQ in McCamey, Texas, September 17

It's 11:00 in the morning in Crane, Texas, and a small white dog is standing on the hood of a truck outside My Friends Grill, patiently waiting for his owner to finish eating. I sit in the parking lot watching the scene for about 15 minutes before Rep. Will Hurd's campaign bus pulls up to the restaurant. When the bespectacled 6'4" congressman arrives, he greets me by the door—but I'm mostly distracted by the extraordinarily well-behaved dog. So is Rep. Mike Conaway, who is along for the ride for the next two stops of Hurd's annual tour of the district. There's not always a lot of excitement in this rural congressional district, so we'll take our entertainment where we find it.

In a word, Texas's 23rd District can best be described as gargantuan.

Haley Byrd is a reporter at THE WEEKLY STANDARD.

Stretching from the suburbs of San Antonio to the outskirts of El Paso, it occupies a geographic area roughly the size of Georgia and stretches along more than 800 miles of the border with Mexico. In a vast swing district, even the smallest towns can make or break a candidate. That's why Hurd is here in Crane, population 3,353, sitting family-style at a long table with fewer than a dozen residents, talking about NAFTA. And this is far from the smallest town Hurd is stopping in. The day before, he paid a visit to Mentone, population 19. This is Hurd's 10th town hall out of 32 in one week in mid-September, an expedition he calls "DC2DQ," during which he visits all 29 counties in the district he has represented since 2015 and eats a lot of Dairy Queen Blizzards (final count this year: 12). The trip is central to Hurd's leave-no-stone-turned reelection strategy. For three days and

roughly 1,100 miles, I watch as the former undercover Central Intelligence Agency officer hops from barbecue joints to local libraries in an arduous but necessary effort: Hurd is fighting for his life in Texas's most competitive district, during a midterm election cycle that has the potential to shatter the Republican party's tenuous grasp on power in Congress.

Hurd, 41, now lives in Helotes, on the outskirts of San Antonio, where he grew up. He was the first black Republican from Texas to be elected to Congress, but before that, he spent just shy of a decade at the CIA, working in Pakistan, Afghanistan, and New York City. He often says he chose to run for Congress after meeting woefully inept lawmakers during his time in the agency. Hurd might seem like a poor fit for a majority Hispanic district filled with remote, small towns, yet his enthusiastic efforts to acquaint himself with its far-flung places have earned him a good rapport with locals. He has taken this yearly pilgrimage to talk to constituents—he fondly refers to it as receiving his marching orders—since beating Democratic incumbent Pete Gallego in 2014 with a thin margin of around 2,400 votes. "My responsibility," he likes to say, "is to represent everybody—the people who voted for me, the people who didn't vote for me, the people who don't vote."

During his town halls, the centrist lawmaker shows a rhetorical nimbleness that allows him to diverge from President Donald Trump on border security, immigration, trade, and foreign policy, all the while walking a fine line between drawing too little or too much attention to the divide. Hurd is frank about his beliefs but avoids attacking those he disagrees with outright, whether it's the president or his Democratic opponent, Gina Ortiz Jones.

But where he really shines is interacting with constituents. Hurd doesn't get flustered easily. Standing in a Dairy Queen in Big Lake, population 2,936, he fields a question from self-described "1,000 percent Republican" Lanny Pullig, 76, who pulls his flip phone from his pocket and decries the fact

HALEY BYRD / THE WEEKLY STANDARD

that Facebook, which he later tells me he does not use, knows his precise location at that moment. Hurd first empathizes with Pullig by speaking about his days in the CIA, when he had to take precautions to prevent enemies from tracking his cell phone, before gracefully pivoting to discuss Russian influence efforts during the 2016 election and America's need for top-notch cybersecurity. The congressman also has a dry sense of humor—at one point in the Crystal City Dairy Queen, when a cable news reporter flanked by a camera crew interrupts to tell an attendee he's spending time in the small town in order to be a fly on the wall, Hurd mutters, "Pretty loud fly."

Hurd surprised the political world when he held on to his seat in 2016 by a little over 3,000 votes in a challenging electoral environment. For the better part of two decades, Texas's 23rd flipped parties every cycle. Hurd upset that trend, even as Hillary Clinton took the district by three points. Because it's competitive, both parties invest heavily here. Hurd's 2016 race was the most expensive in Texas history, and this year's may break records too. National Democrats have high hopes for Ortiz Jones, an Iraq war veteran and former intelligence officer. If elected, she would be the first Filipina-American to serve in Congress and the first lesbian to represent the 23rd District. Ortiz Jones argues, among other things, that Hurd has not stood up to Trump strongly enough in the House and that his initial votes to repeal Obamacare before he ultimately voted against House speaker Paul Ryan's American Health Care Act in 2017 should be disqualifying.

Yet in a year when a number of Hurd's Republican colleagues in safer districts have struggled to tread water in the rush of a blue wave, the Texan has stood out. A September poll from the *New York Times* and Siena College found 51 percent of 495 respondents supporting Hurd, 7 percent undecided, and 43 percent supporting Ortiz Jones.

That isn't the only encouraging sign: During my second day in the district, Republican Pete Flores won a special election in the state senate

district that overlaps much of Hurd's congressional district, beating Pete Gallego, the Democrat Hurd defeated in 2014, 53 to 47. And on October 10, *National Journal's* Ally Mutnick reported that the National Republican Campaign Committee had canceled television and radio advertisements previously scheduled for the second half of October, which she interpreted as a show of confidence in Hurd's prospects. NRCC spokesman Matt Gorman confirms her reporting, calling Hurd "one of our best candidates" and "one of our best members."

In his four years on Capitol Hill, Hurd has shown a knack for introducing realistic legislation relevant to his constituents, such as ensuring overtime pay for Border Patrol officers. He jokes, though, that some of the niche issues he immerses himself in, like modernizing the federal government's information technology procurement process, aren't exactly sexy topics to talk up on the campaign trail. Hurd likes to survey his audiences by asking a simple question: Out of more than 850 bills passed in the House this Congress, how many were not done in a bipartisan fashion? "All of them?" one constituent offers at a bar in Brackettville, population 1,688. "No, lower than that," Hurd replies, "11. That means 843 bills were actually passed in a bipartisan way. Whether you watch MSNBC or Fox News, you have never heard that stat. Some things are actually getting done. There's some of us that are actually working together on behalf of our communities."

Sipping Topo Chico mineral water on the campaign bus on the way from Eldorado, population 1,951, to Lala's Mexican restaurant in Sonora, population 3,027, Hurd says he doesn't expect fallout from President Trump's controversial missteps to hurt his campaign. "People know my positions, my background," he says. Voters appreciate his independent streak and his accessibility, he contends. "That's why when it comes to this election, I'm not concerned, because people know where I stand on these things."

Hurd was an early opponent of Trump's campaign calls for a border wall, and he has been relatively unafraid to criticize the president. Of course, differing with Trump can be more helpful than not in Texas's 23rd, where a bipartisan, moderate brand is essential to success. Hurd's recent days in the House also feature moments of ideological rebellion. He not only voted against Obamacare repeal when it came to the House floor last spring, he introduced a bipartisan measure to protect Dreamers from deportation after Trump moved to end the Obama-era Deferred Action for Childhood Arrivals program.

In July, he made a splash with an op-ed in the *New York Times* responding to Trump's disastrous press conference with Russian president Vladimir Putin in Helsinki. "Over the course of my career as an undercover officer in the C.I.A., I saw Russian intelligence manipulate many people. I never thought I would see the day when an American president would be one of them," he wrote. "The president's failure to defend the United States intelligence community's unanimous conclusions of Russian meddling in the 2016 election and condemn Russian covert counterinfluence campaigns and his standing idle on the world stage while a Russian dictator spouted lies confused many but should concern all Americans."

The congressman tells me he chose to write the piece after being "pretty horrified" watching the press conference. "It was important for people to understand the significance of that," he says. "The case that I was making was Congress should take more of an active role when it comes to national security and foreign policy." Asked whether he received feedback from the White House or fellow members of Congress, Hurd says the responses that were most valuable to him came from his former colleagues in the intelligence community, who were grateful he spoke up for them.

Not everyone is as enamored with Hurd's willingness to speak his mind. At a Dairy Queen in the Republican-heavy city of Hondo, a veritable

metropolis at just under 10,000 residents, tensions flare when Hurd is asked about Trump's wall, which is by far the most common question he receives. "I think everybody knows my opinion on the wall," says Hurd. "Building a 30-foot-high concrete structure from sea to shining sea is the most expensive and least effective way to do border security." This line, which usually elicits appreciative nods from Democrats, independents, and moderate Republicans, isn't as popular here in Hondo, which is about 100 miles from the border. One attendee tells Hurd he disagrees and goes on to attack the congressman for his stance on Dreamers, eliciting an "amen" from across the room.

Throughout the heated, nearly hour-long town hall, constituents complain about government spending, which has grown since Trump took office. Others call Hurd a liberal and suggest they won't vote for him. "I can tell you I will never vote for a Demo-rat," says Hondo resident David Bohmfalk, 57. Hurd pushes back on this insult to the opposing party: "Let's be civil. Let's be civil." Bohmfalk continues, "I will burn in hell before I vote for a Demo-rat. But I will say that at this point I'm reminding myself that there's no law that says I have to vote for you. I can leave 23rd District of Texas blank when I vote." Hurd takes it in stride. "That's everybody's right to decide who they're ultimately going to vote for," he responds.

Back on his bus, the congressman suggests that satisfying the most conservative and the most progressive elements of a swing district was never going to be easy. "When you represent a 50-50 district, you're not always going to have people accepting that," he says. "But here's what people appreciate: They know I'm going to be honest and give my opinion and say why. . . . I'm going to agree when I agree and disagree when I disagree." Partisan rancor aside, one valuable base of support Hurd has built can be found among local officials. In the border city of Del Rio, Democratic mayor Bruno Lozano, an Air Force veteran and the city's first openly gay mayor,

introduces the congressman to a large audience at Rudy's Country Store & Bar-B-Q. Lozano was just elected in May, yet his relationship with Hurd already appears collegial.

"It's important to ensure that we do have that dialogue with different ideas and perspectives," says Lozano. And even though he's a Democrat, the mayor declines to choose a side when I ask if he'll support Hurd's Democratic opponent come November. "They both have really great assets, really great contributions to give to our community," Lozano tells me.

When Democratic mayor Ramsey English Cantu introduces Hurd at a burger joint in Eagle Pass the next day, he isn't as shy about the matter. "We're really proud of the work he does," Cantu tells the crowd. "Take it from this Democrat that we have excellent representation in Washington. And Will Hurd and I know that we'll continue to have that." Afterward, Cantu tells me he supports Hurd "completely." "He's been able to show many people in this community what it takes in order to be bipartisan, to work across party lines and to get things done." ♦

Sokal to the Nth Degree

You can fool some of the academics all of the time.

BY GABRIEL ROSSMAN

Helen Wilson published an article, "Human Reactions to Rape Culture and Queer Performativity at Urban Dog Parks in Portland, Oregon," in the academic journal *Gender, Place and Culture* this May. The article drew upon a thousand hours of ethnographic observation to produce mildly interesting empirical findings surrounded by theory so bad it read like inadvertent self-parody. A typical line brags that the paper's analysis of dog parks "forces us to confront realities of oppression and violence within public spaces and to consider their gendered reality and the means by which we perpetuate those problems, inviting us to reconsider dog parks through feminist and animal geography as emancipatory rather than oppressive spaces." Alas, to a sociologist, the shibboleths and tics of this prose are painfully recognizable, not as those of my field, but of adjacent and occasionally overlapping ones.

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Except, as we learned on October 2 from the *Wall Street Journal*, "Human Reactions" was not inadvertent self-parody but a very deliberate parody drafted and submitted as a hoax. Alas, there is no Helen Wilson and the ethnographic data was fabricated. Moreover, it was only 1 of 20 such articles quickly dubbed the "Sokal squared" hoax, in reference to physicist Alan Sokal's 1996 prank against the postmodern literary journal *Social Text*. Sokal facetiously argued that quantum gravity had tendentious political implications and ridiculous ontological ones and the journal bought it. This new hoax was aimed at a style of scholarly work that is sometimes inaccurately called "postmodern," but which mostly refers to itself as "critical theory" and which the pranksters dubbed "grievance studies."

The pranksters are Helen Pluckrose, James A. Lindsay, and Peter Boghossian: a medievalist, a mathematician, and a philosopher respectively. In just one year, they learned the style and citations of gender

studies and related fields well enough to parody them, wrote 20 articles, and got many of them all or part of the way through the peer review process. By the time the *Wall Street Journal* called the hoax, they had seven papers accepted for publication. An additional four articles had received revise and resubmits (“R&R”), a stage of peer review indicating that a paper is being taken seriously and has reasonably good odds of eventually being published in that journal. Counting publications, “forthcoming” accepted papers, and R&Rs, the team received serious interest in 11 of their papers—11 papers that must be counted as successes for the pranksters and failures for the journals and scholarly fields that supported them. This is an astounding rate of scholarly productivity and an excellent placement rate, even accounting for the expediency of fabricating data.

The published papers are also successes as satire. One of the funniest is “Going in Through the Back Door: Challenging Straight Male Homophobia, Transhysteria, and Transphobia through Receptive Penetrative Sex Toy Use,” published in *Sexuality & Culture*. The main joke is the premise that men can be pegged into enlightenment, but the article is full of subtler humor as well, such as sweeping conclusions drawn from a mere 13 interviews, conservative potential respondents declining to participate in the study, and a soliloquy vacillating on whether it is transphobic for gay men to be uninterested in sex with transwomen. Other papers included jokes about bad methods, such as “Agency as an Elephant Test for Feminist Porn: Impacts on Male Explicit and Implicit Associations about Women in Society by Immersive Pornography Consumption,” which got an R&R at *Porn Studies*. This paper used the absurd method of having a handful of men take thousands of implicit association tests as they consumed quantities of pornography sufficient to induce severe eyestrain. Bracketing any questions of theory or ideology, this is simply terrible research design, as it has too

many observations within subject and not nearly enough subjects to be useful. That the journal didn’t reject on these grounds shows ignorance of basic quantitative methodology.

I myself was a witness to this hoax peer review process. My doctoral student David Schieber emailed me in June about an odd peer review request he’d received. I had to read the abstract he sent me twice to be sure it was really equating fantasizing about someone during masturba-

cultural studies journals also rejected the papers. Though the pranksters continue to lump sociology in with “grievance studies” fields, there was a stark difference; sociology journals (including one that specializes in gender and another specializing in race) rejected the hoax papers, but cultural studies accepted or gave R&Rs to about three-fourths of the submissions.

Sociology doesn’t lack grievance- or activist-focused scholars. In a recent article for the *American Sociologist*,



Merry pranksters James Lindsay, Helen Pluckrose, and Peter Boghossian

tion with rape. I replied to David that it was better suited to Tumblr than *Sociological Theory*, but that he should do the review anyway as a form of professional service. He did and, being a much nicer person than I am, provided three pages of detailed feedback along with his rejection. In their writeup, the pranksters paraded these reviewer comments like they were the corpse of Hector, and indeed several articles about the hoax discussed the masturbation paper while neglecting to note that *Sociological Theory* rejected the article.

As the *Sociological Theory* rejection suggests, comparing successes and failures provides the real lessons of the hoax. Seven of the 10 rejections were from sociology journals, and no sociology journal gave an accept or an R&R. All 11 acceptances and R&Rs were from cultural studies journals, mostly gender studies. To their credit, three

Mark Horowitz, Anthony Haynor, and Kenneth Kickham found that about 40 percent of American sociologists prefer that the discipline openly embrace polemic and praxis—akin to what the pranksters call “grievance studies.” Likewise, the current president of the American Sociological Association ran on a platform placing “scholar-activism” over “false notions of ‘objectivity.’” Nonetheless, this is a minority position, and over half of sociologists prefer a fundamentally scholarly mission for the discipline. In my 20 years as a sociologist, I have found nearly all of my colleagues to be deeply concerned with data and analysis, and many quietly eye-roll at interdisciplinary fields in which the moral mission is paramount. This skepticism includes many colleagues whose own politics are staunchly to the left. The “masturbation is rape” paper failed at *Sociological Theory* because it

is simply not sociology. If you interviewed a bunch of women and asked them how they felt about the idea that men visualize them while pleasuring themselves and it turned out that they did or did not feel violated, *that* would perhaps be publishable, but providing a jargon-laden bare assertion that porn viewing is sexual assault is an opinion, not a positive claim about social reality, and sociology is about the latter.

One of the criticisms of the hoax is that it wasted peer reviewers' time and was committed in bad faith, but polemical nonsense wastes reviewers' time even when it is composed and submitted in earnest. Once it's published, it wastes the time of readers as well.

The real waste would be to refuse to draw lessons from the prank, whether such obstinacy is from academics defensively closing ranks to protect our least rigorous colleagues, or from critics of academia reaffirming their indiscriminate hostility by lumping together fields where polemic is part of the field's identity with those where the work is fundamentally grounded in methodological rigor and analysis, notwithstanding the sizable minority that wants to sell this birthright for a mess of wokage.

Anyone who believes topics like gender deserve serious inquiry, as I do and the pranksters claim to, should use the hoax as a way to learn which academic fields treat this as part of their mission but do so in a way that is relatively good at filtering out nonsense. This knowledge helps us appreciate what is effective in these fields and encourages practitioners to keep at it rather than falling into the habits of motivated reasoning and woke credulity—the sensibility that allowed cultural studies journals to take seriously a paper advocating fat bodybuilding, a lightly edited chapter from *Mein Kampf*, and a proposal to force privileged students to sit on classroom floors in chains. The disciplinary social sciences are not grievance studies, but as this hoax revealed, social scientists should see grievance studies as equivalent to Marley's ghost shaking his chains on Christmas Eve, warning us not to be like him and share his fate. ♦

Verdict Then Protest

A conviction in Chicago's highest-profile police shooting in decades. **BY ADAM RUBENSTEIN**

Chicago

When dashcam footage of the police shooting of 17-year-old Laquan McDonald was released by court order—13 months after the fatal encounter of October 20, 2014—officer Jason Van Dyke



Jason Van Dyke, cuffed and led away after his guilty verdict, October 5.

was charged with first-degree murder, 16 counts of aggravated battery with a firearm, and one count of official misconduct. After what many in the public considered a cover-up to shield Van Dyke from prosecution, the Department of Justice opened an investigation into the Chicago Police Department (CPD). Published in 2017, the DoJ report was damning: The CPD engages “in a pattern or practice of unreasonable force . . . in violation of the Fourth Amendment.” The killing of Laquan McDonald, the report acknowledged, was a “tipping point” for the city's police force in its interactions with minority communities.

Ever since the video's release on November 24, 2015, the shooting of

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Laquan McDonald has hung over Chicago politics like a threatening storm cloud, even as firings of high-level public officials, new appointments, and new initiatives made little dent in the street violence. In 2016, Chicago had more homicides (762) than the combined total of Los Angeles and New York City, with 10.4 million fewer people than those two metropolises.

The public protests in response to the McDonald shooting closed down swaths of the city at inflection points in the case's progression. When the footage was first released, the large-scale demonstrations began. For several successive days after its release, culminating in a Black Friday “shopping boycott” on Michigan Avenue, protesters shut down roadways throughout the city while chanting “16 shots,” for the number of bullets fired at McDonald. They called for the summary firing of Mayor Rahm Emanuel, police superintendent Garry McCarthy, and Anita Alvarez, the state's attorney, for their handling of the case and for the common suspicion that they had tampered with and subverted the judicial process. In the years that followed, Alvarez would lose her reelection bid, Emanuel would fire McCarthy, and Emanuel himself would announce, just as Van Dyke's trial got underway this September, that he would not be seeking a third term in next year's mayoral election.

The prosecution's case in *People v. Van Dyke* centered on the video evidence; Van Dyke and his defense attorneys relied on his account of it and that of his fellow officers. One of the jurors (none of whom was identified by name) said as much: Van Dyke's testimony “seemed kind of like he was finally giving the play after they had been rehearsing with him for weeks.”

ANTONIO PEREZ / GETTY

Van Dyke had been part of a team of officers responding to a report of break-ins of cars on S. Karlov Avenue in Chicago's Archer Heights neighborhood, one block over from where they would confront McDonald on a busy thoroughfare at around 10 P.M. In one police SUV, with lights flashing, were Van Dyke in the passenger seat and his partner, Joe Walsh, driving. The radio reports they heard said McDonald had a knife with a three-inch blade that he had used to slash the front passenger tire and damage the windshield of a police cruiser.

The video footage of the shooting contradicts the testimony offered by the officers involved, including Van Dyke and Walsh, as well as the police reports filed after the event. The official police report has Van Dyke "backpedaling," but the footage shows Van Dyke moving closer and closer while shooting McDonald—as the teenager twists and falls to the ground. Van Dyke's defense was that McDonald was "menacing him with a knife." The jury disagreed. One juror said that the video clearly shows Van Dyke "stepping forward instead of retreating." The prosecutors also argued that Van Dyke had said to Walsh, before reaching the scene, "We're going to have to shoot the guy." Van Dyke did so about six seconds after exiting his vehicle.

The verdict was read aloud at around 2 P.M. on Friday, October 5, with McDonald's family in the courtroom. Van Dyke was found guilty of second-degree murder and 16 counts of aggravated battery with a firearm. He wasn't found guilty of official misconduct. He is expected back in court on October 31 for sentencing. Each count of aggravated battery could result in up to 30 years in prison, possibly served concurrently; the second-degree murder charge could result in 20 years behind bars.

As the verdict was announced, police throughout the city braced for protests. City Hall was lined with police officers guarding entrance doors. Across the street, approximately two dozen state police gathered around the James R. Thompson Center. I asked one of the state police officers

what kind of protests they were anticipating. "Who knows?" he said. "This is state property, and we're just here trying to keep it from being overrun."

Black Lives Matter organizers recognized the verdict as a victory but also an occasion for more protest. And so concurrent with the announcement of the verdict, a few hundred protesters from various organizations filled an intersection on Michigan Avenue. One of the convening groups, CPAC: The Civilian Police Accountability Council, advocates "community control" of the police force. It "isn't really much of a group," a member of the National Lawyers Guild, a far-left-wing legal advocacy outfit, told me. "They wish it were," he said, "but it isn't."

The Chicago chapter of a national group called Refuse Fascism also turned out on Michigan Avenue that

afternoon. Its protest wasn't as much about police violence as it was about President Trump. "F— Kavanaugh," its constituency shouted, while other groups called for abolishing the police. Refuse Fascism's blue pamphlets declared, "The Trump/Pence Regime Must Go! In the Name of Humanity, we REFUSE to Accept a Fascist America."

But the incident that had focused so many passions on the issue of policing in Chicago was resolved on the first Friday of October. And the result was the best that many of the protesting groups could have hoped for—a guilty verdict for a guilty cop. They'll now need to widen their aperture to shed light on something less rousing: how Chicago might come together to reduce citizen-on-citizen crime. But will they? ♦

A Nonspecific Diagnosis

Lyme disease doesn't lead to chronic Lyme disease.

BY HOLMES LYBRAND

Lyme disease was discovered in the Connecticut River valley during the 1970s, near the picturesque town of Old Lyme. The cause was identified as an infection from the bacterium *Borrelia burgdorferi*, carried and spread through ticks and their bite. The Centers for Disease Control (CDC) estimate around 300,000 Americans are diagnosed with Lyme disease each year, and with occurrences now found in all 50 states and the District of Columbia, that number is only set to increase.

The most striking reaction in the vast majority of patients is a large rash, often resembling a bullseye, at the location of the bite. Other symptoms

mirror the flu (fever, headache, fatigue, etc.). If the disease goes untreated, these can devolve into severe headaches, a stiff neck, migratory joint pain especially in the knees, and more. "For early Lyme disease, a short course of oral antibiotics such as doxycycline or amoxicillin is curative in the majority of the cases," the National Institute of Allergy and Infectious Diseases notes. "In more complicated cases, Lyme disease can usually be successfully treated with three to four weeks of antibiotic therapy."

In most cases, the disease has no lingering effects when treated correctly, even in patients who wait several years to take the recommended amount of antibiotics. A very small cohort of sufferers experience an occasional recurrence of migratory joint pain, which

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researchers believe is the result of dead *Borrelia* cells persisting in tissue. While this pain goes away with time, the process can take years. But this is not the same as what some doctors are calling chronic Lyme disease.

Chronic Lyme disease, or CLD, is something else altogether. The symptoms are the same. Pain. Fatigue. Arthritic aches that move between joints. But the suggested treatment takes years, and as the number of Lyme disease cases continues to grow, so does the hype around CLD. “With Lyme disease on the rise, why do so many chronic sufferers struggle to convince doctors they’re sick?” asked NBC News this summer.

The answer could be that while Lyme disease can be diagnosed through two-tier lab testing, chronic Lyme disease is far more mysterious. Paul Lantos, a professor of medicine at Duke University, reported in a paper on the subject that CLD “has no clinical definition and is not characterized by any objective clinical findings.” The CDC says that “in many occasions [chronic Lyme disease] has been used to describe symptoms in people who have no evidence of a current or past infection with *B. burgdorferi*” and that “experts do not support [the term’s] use.”

Another name often employed is “post-treatment Lyme disease syndrome” (PTLDS), which is used to describe a range of symptoms (fatigue, joint pain, and other ailments) that a small contingent of patients reports months or years after being successfully treated for Lyme disease. These symptoms, however, are hardly unique to Lyme disease.

Virginia’s Loudoun County has a Lyme Disease Commission. Its chair, Dr. Samuel Shor, believes in CLD. His process of diagnosing the disease, he says, is “clinical judgment” and he suggests that lab tests for *B. burgdorferi* are not sensitive enough to catch chronic Lyme disease. “You look at an individual, you take their history,” Shor explains. “What is the symptom presentation with which an individual is presenting?”

Chronic fatigue is one of the

primary symptoms doctors look for in diagnosing CLD. But a national survey by the CDC in 2010-11 found that 15.3 percent of women and 10.1 percent of men had felt “very tired or exhausted” most or every day for the previous three months. Another often-cited symptom for those diagnosed with CLD is chronic pain. But the numbers are even higher for those in the general population reporting pain most or every day; 20.7 percent for women and 16.9 percent for men, according to the CDC.

A 2015 study by researchers at the Medical University of Vienna examined whether people who had Lyme



Lyme disease’s telltale ‘bullseye’ rash

disease are more likely to experience such nonspecific symptoms than those who have not. The study concluded, “it is highly unlikely that the complaints are related to a previous infection with [*B. burgdorferi*]. The results show that testing patients with nonspecific symptoms for antibodies against [*B. burgdorferi*] in the everyday clinical setting does not provide any useful information about their aetiology.” In layman’s terms, Lyme disease was not the cause of these nonspecific symptoms.

The treatment Dr. Shor prescribes the patients he diagnoses with CLD generally involves oral antibiotics. “I treat people with them for months. In some cases, years.” But the CDC warns against this practice, noting the unproven benefits of such extended treatment and the potential for “serious complications” with long-term

antibiotic use. “There have been at least five placebo-controlled, clinical studies on the benefit of extended antibiotic therapy for the treatment of post-treatment Lyme disease symptoms (PTLDS) that some prefer to call ‘chronic Lyme disease,’” says Dr. Philip Baker, executive director of the American Lyme Disease Foundation. “None of them showed any benefit.”

There is also a lack of solid evidence tying PTLDS to Lyme disease. The research purporting to find a causal relationship has relied on questionnaires rather than objective measures. A 2017 study (funded in part by the Global Lyme Alliance, supporters of the CLD diagnosis) attempted to show “evidence of severe and lingering symptoms in some after treatment for Lyme disease” through personal testimony. “We found no truly objective markers of PTLDS on any of these clinically available tests,” the director of the Johns Hopkins Lyme Disease Clinical Research Center, Dr. John Aucott, said of this study of 61 patients. Instead of biological “objective markers” to demonstrate a connection between the symptoms and Lyme disease, the study relied on “differences in the results from the questionnaires” from the small sample. The summary clarified that “this study, and the term ‘PTLDS,’ do not define the cause of the condition,” admitting a lack of solid evidence to tie PTLDS to Lyme disease.

The spread of Lyme disease is certainly cause for concern—a concern that Valneva hopes to address. The biotech company is currently developing a vaccine for the disease and will begin phase two of the clinical trials later this year. Because of the increasing threat of Lyme disease, the FDA approved fast-track designation for the vaccine in 2017. But it can’t be commercially available for years. In the meantime, if you’ve had Lyme disease should you worry about being tired? Or that aching left knee? Which doctor should you trust? It’s a good question—and a reminder of how ever-complicated is the field of medicine and how often doctors and researchers disagree.

JAMES GATHANY / CDC

Harvard on Trial

In 2003, the Supreme Court hoped the use of racial preferences would last no more than 25 years. They are becoming permanent.

BY STUART TAYLOR JR.

The discrimination lawsuit against Harvard College that goes to trial in federal court on October 15 may well put a momentous choice before the Supreme Court, and the country, within the next few years. Should the Court allow racial preferences in university admissions to continue forever? Or should it ban them as unconstitutional, even though a rigorously enforced ban could dramatically cut enrollments of African Americans and Latinos at selective schools?

Almost all publicity about the case has focused on the powerful, if disputed, evidence that Harvard discriminates in admissions against Asian Americans—an historically oppressed racial minority—to avoid admitting a greatly disproportionate number from a group whose academic excellence far outpaces all others’.

The plaintiff, a body called Students for Fair Admissions (SFFA), wants to end Harvard’s alleged discrimination against Asian Americans, but its ultimate objective is far broader. It hopes to persuade the Supreme Court to order an end to the pervasive regime of large racial preferences (euphemistically called “affirmative action”) used by almost all selective schools to admit blacks, Latinos, and other minority groups ahead of Asian Americans and whites who are far stronger academically. The SFFA is headed by Edward Blum—the conservative activist who has organized some of the major legal challenges to affirmative action—and enthusiastically supported by dozens of Asian-American organizations (though also opposed by

many others). Critics portray the lawsuit as a cynical ploy by whites like Blum to drive a wedge between other minorities and Asian Americans. But the latter would clearly be admitted in greater numbers, as would whites, if the suit wins. The Department of Justice issued a statement of interest in the case in August—and is itself concurrently investigating both Harvard and Yale on the same charge.

A ban, or at least a mandate to phase out preferences on a strict timetable, would be an overdue vindication of the nondiscrimination principle of the Constitution and our civil rights laws. It would also slow society’s drift toward racial preferences in every walk of life, which are a major driver of our ever more divisive identity politics. Such a ruling would also benefit the many good black and Hispanic students who are now being set up to struggle or fail—and be stigmatized as academic weaklings—by being recruited via preferences into schools for which they have not been well-prepared.

Yet court-ordered colorblind admissions could reduce the number of blacks at Harvard by more than half—from 14 percent to about 6 percent, according to the school’s court filings (these estimates are disputed by the plaintiff as unrealistically high). It could reduce Latinos at Harvard by about a third—from 14 percent to 9 percent. Colorblind admissions would bring even larger reductions in the black and Hispanic enrollments at the country’s less elite but still selective schools, where the racial gaps are often much larger than at Harvard. And while all of those students could still get into less selective or nonselective colleges, this would be a wrenching consequence.

Harvard and other top schools would find ways to mitigate the effects of a loss in the Supreme Court on black and Latino enrollments, such as increasing admissions preferences for disadvantaged students of all races and curtailing



A couple of the lucky ones: graduation, 2008

Stuart Taylor Jr. is coauthor, with Richard Sander, of Mismatch: How Affirmative Action Hurts Students It’s Intended to Help, and Why Universities Won’t Admit It.

ROBERT SPENCER / GETTY

“legacy” preferences for mostly well-off, and mostly white, children of alumni and big donors. California banned racial preferences in state schools and programs in 1996, thanks to Proposition 209, and studies have shown that while fewer blacks and Latinos have been admitted to the most selective universities—Berkeley and UCLA—there were also good effects. Many of those who did not get into those campuses ended up having much greater academic success and better graduation rates at the less selective state schools. And any loss of diversity at Berkeley and UCLA was offset by diversity gains at these other schools. (Seven other states have since followed suit.)

Still, a large drop in black and Hispanic representation at top institutions—which would be relentlessly dissected by the media—would be a rude shock to many public-spirited Americans, and especially those blacks and Hispanics who have come to see preferential admissions as a permanent entitlement. Such a drop could aggravate the already dangerous bitterness of race relations and politics in this country. It could depress the morale of the many black students who already feel that the deck is stacked against them by white racism. This is the fundamental dilemma presented by the Harvard case and, ultimately, by the shockingly large—but rarely acknowledged—size and persistence of our nation’s racial gaps in academic performance at all levels.

These gaps shrank from the 1960s through the 1980s, but leveled off more than 20 years ago and show no sign of becoming smaller unless preschool and K-12 education change radically. The changes should include starting school earlier in life, immersing kids in learning for longer hours, training parents to help educate kids at home, paying effective teachers much more money, easing out ineffective teachers, and promoting good, well-funded charter and magnet schools and other alternatives to failing inner-city public schools. More fundamentally, studies suggest racial academic gaps are unlikely to disappear unless and until the structure of black families changes. And there is also much evidence that racial admissions preferences make it harder—not easier—to improve the weak academic performance of black and Latino students at all levels.

A MOST REVEALING DOCUMENT

In 2012, Harvard’s Office of Institutional Research (OIR) made a table analyzing 10 years of the college’s admissions data. (For internal use only, it became public thanks to the SFFA lawsuit.) The table shows that if admission had been based solely on academic performance and test scores, only about a dozen—1 in 150, or *two-thirds of 1 percent*—of Harvard’s roughly 1,660 entering

students per year would have been African American; about 40 (2.42 percent) would have been Latino; about 630 (38 percent) would have been white; and about 715 (43 percent) would have been Asian American. Other Harvard documents show that the average SAT scores of Asian and white students admitted from 2010 to 2015 were 218 points and 193 points higher, respectively, than those of admitted black students, on a 1600-point scale. The magnitude of the racial gaps in high school grades is roughly similar, especially if adjusted for school quality.

Almost nobody suggests that admissions should be based on academics alone. (Caltech is an exception. It says it uses no racial or legacy preferences in admissions, and its student body is more than 40 percent Asian.) Harvard and other selective colleges take account of extracurricular activities, personal qualities, and athletic talent. The children of alumni (legacies), big donors, faculty, and staff receive preferential treatment. And there are very large racial preferences for blacks, Latinos, and some smaller minority groups.

The OIR table found that after Harvard took account of nonacademic factors, including race, its typical entering class over those 10 years included not a dozen but about 173 African Americans (10.46 percent of the class); not 40 but about 157 Latinos (9.46 percent); not 630 but about 717 whites (43.21 percent); and not 715 but about 300 Asian-Americans (18.66 percent). (The numbers don’t add up to 100 percent because they don’t include foreign, “unknown,” and some other categories.) If Harvard had not used racial preferences but had considered all the other nonacademic factors, the OIR table found, the student body would have been about 2.36 percent black and 4.07 percent Latino.

Since 1978 and the splintered *Bakke* decision, a deeply divided Supreme Court has upheld admissions programs that take race into account as a balance-tipping “plus” in the interest of “diversity”—but only in that interest. But the Court’s four more conservative justices, who would have banned any consideration of race in university admissions, joined in *Bakke* with the pivotal Lewis Powell to reject a second justification advanced by the four liberal justices. This was that, apart from diversity, considering race is lawful if the purpose is “not to demean or insult any racial group, but to remedy disadvantages cast on minorities by past racial prejudice.” Powell and the four more conservative justices also rejected racial “quotas” (a vague term that went undefined). In his solitary but controlling opinion, Powell wrote that the “interest of diversity” (also vague and undefined) is sufficiently “compelling” to justify limited consideration of race in admissions. He specifically praised Harvard’s policy of giving applicants of “disadvantaged” races a “plus” that might “tip

the balance in [their] favor” to reward their “contribution to diversity.” Powell deemed this “contribution” to be a species of “educational pluralism” that would promote a “robust exchange of ideas.” In subsequent decisions, the Court would drop any pretense of seeking a robust exchange of ideas.

Twenty-five years later, in the 2003 *Grutter* case, five justices endorsed, in the words of Sandra Day O’Connor, “Justice Powell’s view that student body diversity is a compelling state interest that can justify the use of race in university admissions.” But they also held that such programs had to be “narrowly tailored” and that “all race-conscious admissions programs [must] have a termination point.” O’Connor added that consideration of race in admissions was a temporary “deviation from the norm of equal treatment of all racial and ethnic groups,” adding “[w]e expect that 25 years from now, the use of racial preferences will no longer be necessary.”

Fifteen of those years have now passed with no sign that our most selective schools have any intention of ending—or even reducing—their use of racial preferences. Indeed, Harvard’s longtime admissions director, William Fitzsimmons, said in a deposition for the SFFA case in August that the school has no intention of ending its use of race as a factor in admission, that no evidence exists to support doing so at any point in time, and that he did not “know what form such evidence might take.” Other Harvard officials gave similar statements.

The Supreme Court’s conservatives could see this as verging on defiance of the *Grutter* precedent, the logic of which weighs more heavily in favor of phasing out preferences with each passing year. Today’s justices are also aware that the persistence of racial academic gaps means that the academic establishment will perpetuate racial admissions preferences indefinitely—unless prevented by law—in order to maintain or increase universities’ percentages of black and Hispanic enrollment. Civil rights groups, Democratic politicians, the news media, and much of corporate America support this agenda.

THE ASIAN PENALTY

The general public has long opposed racial admissions preferences by wide margins. Seventy percent of the respondents to a 2016 Gallup poll,

including the majority of black respondents, said that college admissions should be based solely on merit. Only 26 percent said racial or ethnic background should also be considered. Those numbers have changed very little since Gallup first asked the questions in 2003. Similarly, in a survey released on September 17 by Boston’s WGBH News, respondents disagreed by 72 to 24 percent with the Supreme Court’s rulings that “colleges can use race as one factor in deciding which applicants to admit.” On the other hand, 83 percent said that “overcoming hardships such as poverty or health problems” should be considered, and 86 percent said it was at least somewhat important that colleges have racial diversity in their student bodies.

A statistical analysis of recent Harvard admissions records by Peter Arcidiacono, an expert witness for SFFA, found that being African American quadrupled (the school’s competing expert said tripled) and being Latino more than doubled an applicant’s chance of getting accepted.

A more general study of racial preferences at highly selective schools found that blacks average an admissions preference worth a staggering 450 (out of 1600) points on the combined math and verbal

SAT tests over Asian Americans and a 310-point preference over whites; Latinos average a 270-point preference over Asian Americans; and whites average a 140-point preference over Asian Americans, a phenomenon otherwise known as the “Asian penalty.” While the SAT has long been criticized as culturally biased against blacks, the opposite is true. Blacks do *worse* in college on average than their SAT scores would predict.

In short, while *Bakke* and *Grutter* held that race and ethnicity could be a modest “plus factor” in an applicant’s file, the racial preferences used at Harvard and similar colleges are enormous.

Among the other allegations in the SFFA lawsuit against Harvard (which denies them all) are that it “provides no meaningful criteria to cabin or carefully guide” the weight it gives to race, leaving it to “individual admissions officers’ subjective preferences”; that the school has covertly defied Supreme Court precedents prohibiting quotas and “racial balancing”; and that it has made no serious effort to comply with the *Grutter* mandate that it engage in “serious, good faith consideration of workable race-neutral alternatives” to racial preferences.

Harvard’s own data show that if admission had been based solely on academic performance and test scores, only about a dozen of Harvard’s roughly 1,660 entering students per year would have been African American; about 715 (43 percent) would have been Asian American.

The documents brought to light in the case show that the school admits more than twice as many nondisadvantaged as disadvantaged blacks, with the latter getting no preference over the former. This shows, the SFFA claims, that Harvard's racial preferences are not primarily designed to help the black students most affected by our legacy of slavery and segregation. There is also ample public evidence that at selective schools generally, large admissions preferences catapult relatively well-off blacks and Latinos over less well-off and academically better qualified Asian Americans and whites. More than 25 percent of black students at selective schools are immigrants or children of immigrants, who on average are more socioeconomically advantaged than other blacks. Indeed, as Yale law professor emeritus Peter H. Schuck noted last year in *One Nation Undecided*, "most of the potential beneficiaries of [racial and ethnic preferences] are recent immigrants and their descendants," who are "competing with the descendants of black slaves whose families have been (and suffered) in America for centuries."

THE COSTS OF BALANCING

The Supreme Court has so far upheld limited, temporary use of racial preferences on the ground that students learn valuable lessons from being exposed to diverse perspectives. The majority in the *Grutter* decision stressed the need for racial diversity in upholding the University of Michigan Law School's racial preference plan. The companion *Gratz* decision struck down another University of Michigan racial preference plan, for undergraduate admissions, because it all too transparently used a quota-like point system to gauge exactly how much admissions officers should discriminate based on race: On a 150-point "selection index," add 10 points for a mediocre 1010 SAT score; add 2 more for a perfect 1600; add 20 points for the difference between a 4.0 and a 3.0 high school GPA; add 20 points for being black, Hispanic, or Native American (or subtract 20 points for being white); and so forth.

The Court's more recent decisions—in the *Fisher v. University of Texas* cases of 2013 and 2016 and the *Schuette* case in 2014, all three with majority opinions written by the just-retired Anthony Kennedy—have meandered inconsistently while continuing to uphold "narrowly tailored" preferences to advance "the benefits of diversity." In the 2013 *Fisher* decision (*Fisher I* for simplicity of reference), Kennedy's 7-1 majority opinion sent the case back to the appeals court with instructions to use a demanding standard seen by Court watchers as likely to lead to a major setback for racial preferences in the future. Then, in 2014, *Schuette* upheld 6-2 a Michigan

constitutional amendment banning racial preferences in admissions at the state's public universities.

The *Fisher II* decision was a surprise and a major, if still far from conclusive, victory for racial preferences. The same Kennedy, for the first time in his 25 years on the bench, upheld a racial-preference plan. He said courts must give universities "considerable deference," if not a blank check, in designing admissions programs.

But Kennedy did not quite unsay his holdings for the Court three years earlier in *Fisher I*. He quoted earlier decisions: "Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people." And "any official action that treats a person differently on account of his race or ethnic origin is inherently suspect." And "an applicant's race or ethnicity [must not be] the defining feature of his or her application." And "outright racial balancing ... is patently unconstitutional." And "strict scrutiny imposes on the university the ultimate burden of demonstrating, before turning to racial classifications, that available, workable race-neutral alternatives do not suffice." Nor did he quite unsay O'Connor's assertion in *Grutter* that "narrow tailoring ... requires that a race-conscious admissions program not unduly harm members of any racial group" or her expectation that racial preferences "will no longer be necessary" after 25 more years—meaning after 2028.

Many scholars see racial preferences for blacks mainly as remedies for the continuing effects of slavery and past discrimination. No Supreme Court majority has ever approved this justification. The Court has, instead, used the diversity rationale to justify preferences not only for blacks, including recent immigrants, but also for Latinos and every other ethnic group—almost all of them immigrants and their descendants—whose members (on average) have trouble competing academically with Asians and whites.

Yet it is questionable whether students of any race benefit from the use of preferences to engineer diversity. This feeds stereotypes of racial inferiority; spurs self-segregation in classrooms, cafeterias, and dorms; and fosters hostility to *intellectual* diversity on racial and other issues as "microaggressions."

In *One Nation Undecided*, Peter Schuck argued cogently that the benefits of preferentially engineered diversity on campuses "are insubstantial": "[T]he programs' designation of beneficiary groups is arbitrary and incoherent, even silly," as are "affirmative action's rigid pigeonholes." Preferences "ratify the very stereotypes that the programs are intended to combat," especially that of "academic inferiority," and black students grow more and more committed to segregation. The very large white-black gap in SAT scores can create an academic

“caste system” in which the preferred students take the easiest courses. He noted, moreover, that on campus “partisan and religious affiliation account for the largest viewpoint cleavages, certainly more than race does.”

The social costs of the racial-preference regime, on the other hand, are very high. As Roger Clegg of the Center for Equal Opportunity wrote in 2017:

It is personally unfair, passes over better qualified students, and sets a disturbing legal, political, and moral precedent in allowing racial discrimination; it creates resentment; it stigmatizes the so-called beneficiaries in the eyes of their classmates, teachers, and themselves, as well as future employers, clients, and patients; it mismatches African Americans and Latinos with institutions, setting them up for failure; it fosters a victim mindset, removes the incentive for academic excellence, and encourages separatism; it compromises the academic mission of the university and lowers the overall academic quality of the student body; it creates pressure to discriminate in grading and graduation; it breeds hypocrisy within the school and encourages a scofflaw attitude among college officials; it papers over the real social problem of why so many African Americans and Latinos are academically uncompetitive.

Richard Sander and I detailed one of Clegg’s 14 points in our 2012 book, *Mismatch*. Once preferentially admitted to highly selective colleges, a great many able, hardworking black students find themselves struggling to compete with some of the top Asian and white students in the country. Many rank near the bottoms of their classes, at great cost to their career aspirations and intellectual self-confidence, and actually learn less than they would at colleges where they would be as well-prepared as their classmates.

The mismatch problem is most severe at the selective schools that are less competitive than Harvard. This is because of what education specialists call the “cascade effect.” Harvard and the other super-elite schools absorb the best-qualified blacks and Latinos, some of whom are academic stars, while using relatively modest preferences to admit somewhat less strong students who would probably do better at less selective colleges. Those colleges, in turn, use larger racial preferences to bring in weaker black students, who tend to be even less competitive with their Asian-American and white classmates than blacks at the super-elites. And so on down the selectivity curve.

The Supreme Court clearly stated in *Grutter* that “a race-conscious admissions program [must] not unduly harm members of any racial group,” and the evidence

mounts that racial preferences unduly harm members of every racial group.

A PERNICIOUS RACIAL STEREOTYPE

Under Harvard’s current admissions regime, according to an analysis of the data by SFFA expert witness Peter Arcidiacano, a GPA-test score combination that would give an Asian-American applicant only a 25 percent chance of admission would give an otherwise identical African-American a 95 percent chance, a Latino a 77 percent chance, and a white a 36 percent chance.

Asian Americans, though, are a far larger percentage of Harvard’s admitted students (22.7 percent this year, for example) than of the college-age U.S. population (about 6 percent). This still does not preclude a finding that Harvard discriminates against Asian Americans.

They are so much stronger academically than all other racial groups that the SFFA estimates if “Harvard admitted students based only on their academic index, Asian Americans would comprise over 50 percent of the admitted class.” (The school has increased Asian-American admissions substantially since the lawsuit was filed in 2014, which the plaintiff dismisses as a litigation

strategy.) Such claims are always arguable, but Harvard has been forced by its own data to concede that despite Asian Americans’ primacy in academics and near-parity with whites on extracurricular activities, a smaller percentage of Asian-American applicants is admitted than of whites, blacks, or Latinos. Part of the reason is that Asian Americans score lower on “personal” ratings that are both highly subjective and—SFFA and the Department of Justice claim—racially biased.

Harvard says a key reason for its rejection of so many academically outstanding Asian Americans is that few qualify for the large preferences that are given to recruited athletes and alumni children. But the college has conceded that another reason is the relatively low scores its admissions officers assign, year after year after year, to Asian-American applicants for “personal” traits including “human qualities,” being an “attractive person to be with,” having a “positive personality,” and general “likability . . . helpfulness, courage, kindness.” The personal ratings are made by admissions officers who meet face to face with only a handful of applicants annually. They base the scores on a review of the essays, letters of recommendation, and the like in applicants’ files.

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SFFA and the Justice Department suggest that these personal ratings reflect either pernicious racial stereotyping or deliberate racial discrimination. Harvard's court papers deny both and vaguely suggest that the lower average Asian-American personal scores are based on statistical evidence that Asian-American applicants are weaker than whites in "factors that inform the personal rating." But when asked in his deposition whether "Asian Americans have fewer attractive personal qualities than white students," Fitzsimmons, the Harvard admissions director, said: "That wouldn't be my impression."

This statement is hard to square with Harvard's court papers and the report of David Card, the school's own expert witness. The SFFA lawsuit and the Justice Department's statement of interest both point to the substantial evidence that Harvard admissions staff—which acknowledges overtly considering applicants' race at various stages of the admissions process—does so in scoring personal traits as well. The college denies this, but the evidence makes the denial ring hollow. SFFA and Justice stress three secret OIR reports done for Harvard's leadership in 2012 and 2013 in the wake of the first publicized, heavily documented charges that Harvard discriminates against Asian Americans. These reports, made public this summer through the lawsuit, reach no definitive conclusions on questions including "Is there bias against Asian Americans in college admissions?" But they indicate that Asian-American admissions to Harvard during the 10-year period studied would have more than doubled, to 43.04 percent of all admitted students, if only academics were considered; found that Asian-American ethnicity was negatively correlated with both the personal rating and admission; and suggested that more analysis was necessary to "further address the issue of bias."

Harvard's leaders ignored these disturbing reports. They could have sought further analysis of whether the personal rating was racially biased against Asian Americans and endeavored to ensure that it would not be biased in the future. Instead, they "left in place a personal rating that harms Asian American applicants' chances for admission, weighs heavily in Harvard's admissions process, and may be infused with a use of race that Harvard has made no effort to justify," as the Justice Department asserted. All this, DoJ added, "despite [Harvard's] legal obligation to ensure that its admissions process does not discriminate on the basis of race."

Harvard dismisses the OIR reports as "preliminary and incomplete"—without bothering to explain why it left them preliminary and incomplete. Even the Harvard *Crimson's* editorial board, which is explicitly for racial preferences, noted on September 10, "In failing to further investigate whether it discriminates against Asian

Americans in its application process, Harvard ditched educational values and its own motto—'veritas.'"

The school's defense stresses that there is little or no direct evidence of Harvard officials' intentionally scheming to hold down Asian-American admissions. But the statistical evidence is powerful. So is the fact that Harvard did nothing to explore or remedy the troubling facts in the 2012 and 2013 OIR reports.

THE CONSERVATIVE COURT WEIGHS IN

If the Harvard case does reach the Supreme Court, the stage will be set for a very big decision. The Court could, of course, rule for Harvard across the board, which would entrench racial admissions preferences permanently in higher education in most of the country. That outcome seems improbable if the Court still has five conservative-leaning justices when a decision comes down—as the Court has now for the first time since the 1930s with the confirmation of Brett Kavanaugh. On the other hand, in this era of party-line voting, a Harvard win would be highly probable if the number of conservative justices went down to four.

Another possibility is a relatively narrow ruling that Harvard has unconstitutionally discriminated against Asian-American applicants. The Court could in effect require Harvard to change its admissions policies, especially the "personal" rating, in a way designed to admit more Asian Americans and fewer whites, while assuming the continued validity of Harvard's very large preferences for blacks, Hispanics, and other "underrepresented" minorities. That, too, seems unlikely as long as there are five conservative justices.

Chief Justice of the United States John Roberts wrote in 2007: "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race." Justice Clarence Thomas in his dissent in *Fisher II* said he would hold that "a State's use of race in higher education admissions decisions is categorically prohibited by the Equal Protection Clause." Justice Samuel Alito has found unconstitutional every racial preference plan to come before him, and in his dissent in *Fisher II*—in passages that could easily be turned against Harvard today—he accused the University of Texas of both discriminating against Asian-American applicants and "turn[ing] affirmative action on its head" by channeling racial preferences to the children of affluent black and Hispanic professionals. Alito has also been highly skeptical of arguments that racial preferences are needed to bring "the educational benefits of diversity." The fourth conservative, Neil Gorsuch, has no track record on the issue, but few conservatives support racial preferences.

And Anthony Kennedy's replacement, Brett Kavanaugh, said in a newspaper interview 19 years ago that it was "inevitable" that the Court "within the next 10 or 20 years" would rule "that we are all one race in the eyes of the government."

If the Court wants to nibble around the edges of the racial-preference regime without striking a major blow, it could rule against Harvard on just one or two allegations, such as the claim that "the record contains substantial evidence that Harvard is engaging in unlawful racial balancing in formulating each year's admitted class." Or the claim that Harvard has "never engaged" in the "serious, good-faith consideration of workable race-neutral alternatives" required by the *Grutter* precedent.

But such a ruling could be easily circumvented and would have very limited impact on universities' ability to perpetuate racial preferences. At the very least, the Court should hold that "narrow tailoring" requires universities to make public the data that show the degree of their use of racial preferences and the average academic performance in college of the preferred groups. This would enable preferred students from those groups to assess how steep a hill they would have to climb to compete with far better-prepared classmates. Transparency would

also be useful to policymakers and citizens. Schools should be pressured to disclose the size of their legacy and other preferences as well.

A conservative majority might be tempted to declare an immediate, categorical ban on all racial admissions preferences. The danger is that, apart from the vast eruption of protest that would ensue, schools would be unprepared to mitigate the effects of the change. Better might be for the justices to give Harvard and other universities a few years to work out how best to come into compliance and implement nondiscriminatory ways to promote diversity.

The Court could, for example, order Harvard—and, by extension, other colleges and graduate schools—to phase out all use of racial admissions preferences by 2028—50 years after *Bakke*. That timetable would be in line with the views expressed or implied by all nine justices in the 2003 *Grutter* decision. And if, as seems likely, the Court does not issue a final decision in the Harvard case until about 2022 or 2023 (if at all), that would give Harvard time to phase out consideration of race and put pressure on other schools to prepare to do the same.

In this regard, and in light of the valid complaint by champions of racial preferences that legacy preferences mainly benefit wealthy whites, a dissenting point made

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by Clarence Thomas in *Grutter* might prove prophetic: “Were this court to have the courage to forbid the use of racial discrimination in admissions, legacy preferences (and similar practices) might quickly become less popular.” Why? Because such a ban would increase the pressure to reduce white admissions further than has already been done (Harvard’s student body is less than half white) to make room for more non-whites.

Ending racial preferences would have costs as well as benefits. But one undoubted benefit would be removing the incentive for rampant lying by virtually everyone involved in the racial-preference regime. In late September, Yale president Peter Salovey wrote a letter to the university at large insisting that “Yale does not discriminate in admissions against Asian Americans or any other racial or ethnic group.” Harvard president Lawrence S. Bacow followed suit on October 10 in a letter to the college’s alumni: “Let me be unequivocal: The College’s admissions process does not discriminate against anybody.” The evidence suggests

these are bald-faced lies. Putting aside for the moment the powerful evidence of discrimination against Asian Americans, don’t white kids count? Do not those who are rejected

based on race to make room for much less qualified applicants experience discrimination? Or has the word *discrimination* been redefined as something whites can never experience? One might think so from the false denials of any discrimination at all by the many universities that routinely discriminate against white and Asian-American applicants and call it “affirmative action.”

Then there is the deception of the thousands of black and Hispanic students (and their parents) who are told that they are well-qualified to compete academically against classmates who have far stronger academic records. This despite the universities’ knowledge

that most are destined to be near the bottoms of their classes and could achieve much more elsewhere. The lies will continue as long as racial preferences do. ♦

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All's Not Well That Ends Well

Brett Kavanaugh was confirmed, but the fight against him has done lasting damage

By JOHN McCORMACK

By the time Christine Blasey Ford took her first break from testifying to the Senate on September 27, it looked like Brett Kavanaugh was finished. “Unless something changes, I think we’re toast,” one woman, a guest and supporter of Kavanaugh, told me during the break inside Dirksen-226, the small, wood-paneled Senate hearing room that seated roughly 100 guests and reporters for an event watched by 20 million Americans on television.

It was obvious something would need to change, but following Ford’s testimony it seemed impossible that anything would suffice to secure his confirmation. With Kavanaugh having no way to disprove a wholly uncorroborated but unfalsifiable allegation, it appeared that Ford’s gut-wrenching and emotionally gripping testimony would convict Kavanaugh in the court of public opinion, or at least in the opinion of enough of the senators who would decide his fate.

Among Kavanaugh’s allies, there had been some second thoughts that Ford’s moving testimony might require a more subdued response from Kavanaugh, who had not watched Ford speak that morning. White House counsel Don McGahn nevertheless encouraged Kavanaugh to speak from his heart, as had been Kavanaugh’s intention going into the hearing, according to a source close to Kavanaugh who had spoken to the judge the day before the hearing. “I remember him saying something like: ‘If I’m going to go down, I’m going to go down fighting for my name and my integrity and the truth.’”



Brett Kavanaugh fights back tears before the Senate Judiciary Committee.

When Kavanaugh spoke, he mustered every fact he could to defend himself. But the entire sordid month-long Democratic assault on Kavanaugh had little to do with truth. It was dominated by raw emotion and raw power politics. Kavanaugh saved himself by responding to emotion with emotion. He choked up as he recounted his 10-year-old daughter telling his wife they should pray for her father’s accuser. When he addressed the partisan

motivations of the committee’s Democrats, the anger in Kavanaugh’s voice was outdone that day only by South Carolina senator Lindsey Graham’s pure, unbridled rage.

“I let ‘em have it, and they deserved every bit of it and probably then some,” Graham said in an interview following Kavanaugh’s confirmation. “I was going to intervene, but I had no idea that I would do what I did.” Graham said Democratic Illinois senator Dick Durbin’s questioning “took it to a new level” with this “Star Chamber stuff.”

Kavanaugh’s remarks that day were only successful and justifiable because Senate Democrats and much of the mainstream media had abandoned all standards in their campaign to destroy him. The day before the hearing, lawyer Michael Avenatti released a sworn declaration from a woman named Julie Swetnick, who alleged that Kavanaugh had been a serial gang rapist when he was in high school. That outrageous allegation played a significant role in shaping the remarks that Kavanaugh drafted that evening.

Maine senator Susan Collins, the decisive Republican vote that secured Kavanaugh’s confirmation, cited the wild and implausible Avenatti-Swetnick allegations in her October 5 speech explaining her vote for Kavanaugh. “This outlandish allegation was put forth without any

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MATT MCCLAIN / GETTY

credible supporting evidence and simply parroted public statements of others,” Collins said. “That such an allegation can find its way into the Supreme Court confirmation process is a stark reminder about why the presumption of innocence is so ingrained in our American consciousness.”

In the days following Kavanaugh’s confirmation, there was an effort by some Democrats and the media to blame Avenatti alone for saving Kavanaugh. But this was revisionist history. Much of the media let Avenatti run wild, and every Democrat on the Senate Judiciary Committee signed a letter urging Kavanaugh to withdraw following the release of Swetnick’s allegations. “It is clear from reporting that there were others present or with knowledge of each of these shocking allegations who should also be interviewed,” the Senate Judiciary Democrats wrote on September 26. Susan Collins herself, minutes after the Swetnick statement was released, told reporters: “Obviously I take it seriously and believe that it should be investigated by the committee.” During the September 27 hearing, ranking Democrat Dianne Feinstein asked Kavanaugh about Swetnick’s allegations, which Kavanaugh angrily dismissed as a “joke” and a “farce.”

What most helped clear Kavanaugh’s name, to the extent his name could be cleared, was the one-week pause that Arizona senator Jeff Flake insisted on following the Ford-Kavanaugh hearing.

“I think it did a world of good,” Lindsey Graham says of the extra delay that allowed time for a supplemental FBI investigation. But when Flake first insisted on the delay, many Republicans feared it would only cause more harm. “I was concerned about whether or not it would end up just creating more of an opportunity for a combination of handwringing among people on the fence about whether to vote for him and perhaps the possibility that we could see more copycat allegations coming forth,” says Utah Republican and Judiciary Committee member Mike Lee. “Looking back, it may have been one of the better calls. So I have to hand it to Jeff Flake for making a judgment call that in the end, I think, made members feel more confident about voting for him.”

The FBI investigation not only confirmed there were no corroborating witnesses for Christine Blasey Ford’s allegation, it provided time for the other allegations against him to fall apart.

If Julie Swetnick’s claims were remotely plausible, then there must be many witnesses, many victims, and many perpetrators from the alleged succession of

gang-rape parties she had allegedly attended as a college student with high-school students Brett Kavanaugh and his friend Mark Judge (Swetnick declared she had been to at least 10 such parties). On September 29, the *Wall Street Journal* reported that it had “attempted to corroborate Ms. Swetnick’s account, contacting dozens of former classmates and colleagues, but couldn’t reach anyone with knowledge of her allegations.” Swetnick told NBC on October 1 that “everybody in the county remembers those parties,” and she gave the names of four people to NBC: One was deceased, one said he didn’t know a Julie Swetnick, and two did not reply. In the same NBC interview, Swetnick backed off several key details of her allegations.

The third allegation Senate Democrats were focusing on, a claim from Yale classmate Deborah Ramirez that Kavanaugh had exposed himself to her as a college freshman, was dubious when it was first published in the *New Yorker* on September 23. Named witnesses of the alleged incident denied any recollection of it, and Ramirez herself wasn’t sure if Kavanaugh had done what she now alleged. “Ms. Ramirez herself contacted former Yale classmates asking if they recalled the incident and told some of them that she could not be certain Mr. Kavanaugh was the one who exposed himself,” the *New York Times* reported. Ramirez was only

willing to make the allegation, the *New Yorker* reported, after “six days of carefully assessing her memories and consulting with her attorney.”

The so-called corroborating source for Ramirez’s claim was anonymous, but he told the *New Yorker* he was “one-hundred-percent-sure” he heard about it from an eyewitness. On October 3, the day before the supplemental FBI report was released to the Senate, the *New Yorker* revealed the name of its second-hand source—Kenneth Appold—and the fact that Appold’s firsthand source himself “had no memory of the incident.”

Appold said that he initially asked to remain anonymous because he hoped to make contact first with the classmate who, to the best of his recollection, told him about the party and was an eyewitness to the incident. He said that he had not been able to get any response from that person, despite multiple attempts to do so. The *New Yorker* reached the classmate, but he said that he had no memory of the incident.

The collapse of the Swetnick and Ramirez allegations was important to Kavanaugh’s defense because every real

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predator taken down by the #MeToo movement had demonstrated a pattern of sexual assault or abuse. As Jane Mayer, coauthor of the *New Yorker*'s Ramirez story, told *Elle* magazine: "Having watched this before, I knew that key issues would be whether the judge had a pattern of similar behavior, since that helps establish who is telling the truth when there is a standoff, and whether there were credible corroborators on either side. Knowing this is why Ronan Farrow and I were so alert to the significance of other accusers, such as Deborah Ramirez. Her allegation showed that, if true, yes, there was a pattern of misconduct, and likely another side of the judge."

Other journalists were even more desperate to establish a pattern of assault committed by Kavanaugh. When the Senate received a completely anonymous letter in the mail alleging Kavanaugh had assaulted an unnamed girlfriend in 1998, NBC News ran a story on September 26 about a "fourth accuser." That same day, the *New York Daily News* ran a story about a "fifth accusation" against Kavanaugh, because Rhode Island Democrat Sheldon Whitehouse received a call from a man who said Kavanaugh had assaulted a close friend on a boat in Newport once. The fifth accuser seemed to be mentally disturbed, based on his social media posts. "Dear Pentagon, please save my country from the parasite that occupies the White House," he wrote on Twitter. The "fifth accuser" quickly recanted. The *New York Daily News* never updated its story.

Throughout the Kavanaugh affair, the media and Ford's legal team searched for any other plausible accusation of sexual assault but came up empty. On September 16, the day that Ford first stepped forward publicly in an interview with the *Washington Post*, a lawyer aiding Ford's attorney Debra Katz sent out an email to dozens of women who attended high school in the D.C. area when Brett Kavanaugh did. "My friend Debra Katz (Katz, Marshall & Banks) is currently representing Christine Blasey Ford," D.C. lawyer Andrea Caputo Rose wrote in the September 16 email. "Assuming that [Ford] is telling the truth, the odds are good that there may be other women who had a similar experience, and I am

reaching out to you to help find out if this is the case."

But in the weeks after Ford stepped forward, not a single credible claim of sexual assault against Kavanaugh emerged. It was firmly established, as Kavanaugh himself acknowledged, that he sometimes drank to excess in high school and college. If heavy drinking was typical for Kavanaugh in his youth, was it likely that once, and only once, he behaved in a sexually aggressive manner while drunk? That was one of the questions senators were left asking themselves by the time the FBI's supplemental investigation was provided to them.

Ford said there were four other people at the alleged party besides Kavanaugh and herself: Kavanaugh friend



Senate Judiciary Committee Democrats, September 28

P.J. Smyth, alleged accomplice Mark Judge, a boy whose name she couldn't recall, and Ford's classmate and friend Leland Ingham Keyser. All these alleged witnesses denied recollection of the party, but Keyser's denial was the most important of all. The lifelong friend of Ford not only denied recollection of the particular party where Ford alleges she was assaulted by Kavanaugh, Keyser denied any recollection of ever meeting Kavanaugh. "Simply put, Ms. Keyser does not know Mr. Kavanaugh and she has no recollection of ever being at a party or gathering where he was present, with, or without, Dr. Ford," Keyser's lawyer said in a statement. While Kavanaugh's 45 minutes of remarks are remembered for the emotion he displayed, he cited this fact in the first paragraph of his testimony.

In Ford's telling, Keyser and two other boys downstairs had only one beer that evening, while she was assaulted upstairs "early in the evening" at a "pre-gathering" by an extremely inebriated Brett Kavanaugh and his

friend Mark Judge. According to Ford, Kavanaugh and Judge shoved her into a bedroom, turned up loud music, and then Kavanaugh pinned her against a bed, ground his body against hers, groped her, and tried to disrobe her. Ford says she yelled, but Kavanaugh covered his mouth with her hand. She said that Judge jumped on top of them and sent them all “toppling,” which provided an opportunity for her to escape. The loud music, yelling, jumping, and toppling didn’t cause any of the three sober people downstairs to check what was allegedly going on upstairs.

Ford testified that Kavanaugh and Judge made their way downstairs “pinballing off the walls on the way down.” Ford dismissed Keyser’s lack of recollection because the small party was otherwise unremarkable. But Keyser was a star athlete at Holton-Arms. Kavanaugh was an older star athlete at Georgetown Prep. If a 15-year-old Keyser was sober at a small gathering with a 17-year-old Kavanaugh who was drunkenly bouncing off the walls, there’s a good chance she’d remember having met him once.

Keyser stood by her testimony despite pressure she says she felt from Ford’s other friends to change it. The *Wall Street Journal* reported on October 5 that Keyser told the FBI that “she felt pressured by Dr. Ford’s allies to revisit her initial statement that she knew nothing about an alleged sexual assault by a teenage Brett Kavanaugh, which she later updated to say that she believed but couldn’t corroborate Dr. Ford’s account, according to people familiar with the matter. . . . [Keyser] told investigators that Monica McLean, a retired Federal Bureau of Investigation agent and a friend of Dr. Ford’s, had urged her to clarify her statement, the people said.” McLean’s lawyer told the *Journal*: “Any notion or claim that Ms. McLean pressured Leland Keyser to alter Ms. Keyser’s account of what she recalled concerning the alleged incident between Dr. Ford and Brett Kavanaugh is absolutely false.”

Members of the Senate are limited in what they can say about the FBI’s investigation, but Senator Lindsey Graham says that Keyser was “unequivocal” in her statement that she had never met Kavanaugh. “Miss Keyser stood by her testimony that she was a friend of Dr. Ford but doesn’t ever recall meeting Kavanaugh. She was unequivocal in that.”

Another odd thing about the allegation was Ford’s

testimony that her only known social connection to Kavanaugh and Judge was their mutual friend Chris Garrett. Ford said she and Garrett had begun socializing “maybe a couple months” before the alleged party occurred and that Garrett was someone she “went out with for a few months.” So in Ford’s telling, a 17-year-old Kavanaugh not only assaulted a 15-year-old Christine Blasey, he attacked a girl his good friend was going out with around that time without his good friend ever finding out. A member of Ford’s legal team later suggested to the media that Ford would rule out any party at which Garrett was present because she knew him and would recall his presence.

That fact would significantly reduce the number of potential dates on which this assault allegedly occurred. Kavanaugh’s high school calendar already showed that he was out of town almost every weekend that summer, and Garrett’s was a name that frequently appeared on his calendar.

None of these facts disprove Ford’s allegation, but they do raise questions about it. And the same is true of the fact that Ford provided no detailed account of her allegation until a May 2012 couple’s therapy session. Two months before Ford first spoke about the alleged assault, Kavanaugh had been profiled in a *New Yorker* story that concluded: “If a Republican, any Republican, wins in November, his most likely first nominee

to the Supreme Court will be Brett Kavanaugh.” The *Washington Post* reported that the therapy “notes say four boys were involved [in the assault], a discrepancy Ford says was an error on the therapist’s part. Ford said there were four boys at the party but only two in the room.” Ford’s legal team never provided a copy of the therapy notes, even in redacted form, for the FBI or the Senate Judiciary Committee to review to understand how Ford first recalled details of the alleged assault.

With Ford’s allegation uncorroborated, and the other allegations rapidly falling apart, Democrats tried to sink Kavanaugh’s nomination by alleging that he had perjured himself by lying about his drinking habits or the meanings of specific words in his high-school yearbook and that his angry demeanor in answering the attacks on his character showed him to be lacking in the temperament expected of a Supreme Court justice. But one by one each accusation of perjury was debunked. And only one Senate

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Republican, Lisa Murkowski of Alaska, thought Kavanaugh's temperament in the September 26 hearing was a good reason to defeat his nomination. In the eyes of Senate Republicans, the argument about temperament failed to distinguish between Kavanaugh's conduct on the bench as a federal judge for the past 12 years and his angry response as a man accused on a national stage of being a gang-rapist. "Judges are people too, they're human beings too," says Senator Lee, the mild-mannered Mormon from Utah. "Anyone who had been treated the way he was treated and dragged through the mud as he and his family had been might have reason to feel some emotion, and in a moment like that, I think it speaks well of Judge Kavanaugh that there wasn't more emotion that came out."

One outstanding question is exactly how Christine Blasey Ford's name was leaked to the media. Democrats say they sat on the allegation, rather than allow the FBI to confidentially investigate it back in July, in order to protect her identity. But only a small number of congressional Democrats knew of her allegation, and Republicans believe it is likely a Democratic staffer leaked Ford's name to the media, with some calling for an investigation into the leak.

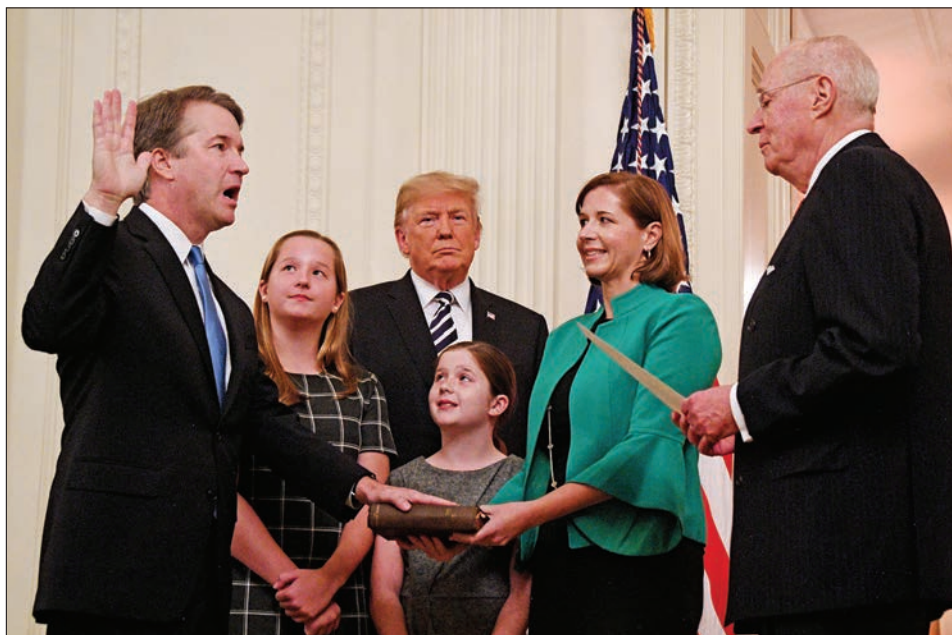
What is clear is that the battle over Brett Kavanaugh has likely done lasting damage to Congress, the Supreme Court, the media, and the country. "There's judicial confirmations before Kavanaugh and after Kavanaugh. They'll never be the same anytime soon," says Lindsey Graham. "They're going to be used for political hatchet jobs rather than trying to probe the qualifications of the nominee. They need to be constructed differently."

Graham adds that when Democrats note Kavanaugh's confirmation has hurt the Supreme Court that's "basically an arsonist being disappointed there was a fire. There's nothing wrong with Brett Kavanaugh. What's wrong is the way he was treated."

Whether the scars from this fight will affect Kavanaugh in any way as a Supreme Court justice nobody can say. On some level, everyone knows that the intensity of this battle, and of all the other fights over the Supreme

Court for the last 45 years, has been due to *Roe v. Wade*—what dissenting justice Byron White in 1973 accurately called an "exercise of raw judicial power." Whenever the American people have come close to taking back that power, so that their elected representatives might be allowed to weigh in on the right to life, Supreme Court battles have been particularly fierce: first Robert Bork, then Clarence Thomas, and now Brett Kavanaugh.

Lindsey Graham says he's "sure" that one factor motivating Democrats was that even if they couldn't defeat Kavanaugh, they might intimidate him or wound him as a justice. Graham, who voted for both Obama-appointed



Before his family and Donald Trump, Brett Kavanaugh is sworn in by Anthony Kennedy, October 8.

justices, Sonia Sotomayor and Elena Kagan, hopes that in his judicial philosophy and decisions Kavanaugh "would be as reliably conservative as Sotomayor and Kagan have been reliably liberal." Susan Collins, one of the few pro-*Roe v. Wade* Republicans in Congress, said she voted for Kavanaugh because he demonstrated sufficient respect for judicial precedent, which she suspects will lead him to uphold the 1973 decision. But Collins justified voting for Samuel Alito, John Roberts, and Neil Gorsuch for that same reason. Kavanaugh, like those justices, has also proven himself to be an originalist and a textualist. But where that will lead him on some of the most important constitutional questions isn't clear.

"I'm 100 percent confident it's not going to make him timid," a former Kavanaugh clerk says of the confirmation battle. "I don't think it's going to make him do anything he wouldn't do otherwise." ♦



The gardens, step pools, and curving vaults of architect B. V. Doshi's studio, Sangath (built in 1980)

A Modernism for India

Sitting with Pritzker Prize winner B. V. Doshi. BY ANTHONY PALETTA

First-time visitors to India are often struck by the abrupt contrasts in the built environment. A realm of older, urban-fabric chaos—one that works extremely well in the manner that pedestrian-oriented cities do anywhere—will suddenly give way to a realm of more recent dysfunctional sprawl. Traditional urban forms in India show an adaptive response to climate and to centuries of patterns of use. But the country's newer, road-emphasizing development applies 20th-century models of Western planning—models that we in the West have ourselves

come to lament. Such urban growth patterns have unintended, undesirable consequences even in places where nearly everyone can afford a car; they can be disastrous in places like India where many people cannot. And it's not just the road patterns that are ill suited to the country's needs. Disregard for local circumstances also characterizes much 20th-century Indian architecture—resulting in climate-controlled structures indistinguishable in style from buildings you might see in the United States, Scandinavia, China, or Africa.

Realigning contemporary design and architecture to the needs of India has been a major theme in the life's work of B. V. Doshi. He is the winner of this

year's Pritzker Prize, often described as the Nobel Prize of architecture. It is invariably awarded to architects of great talent, most of whom are very well known. The Pritzker family fortune that funds the award was derived in large part from the Hyatt hotel chain, and the honorees tend to be the sort of starchitects whose name recognition resembles that of the chain—and whose commissions are about as widespread as its locations. Most require a map of several continents, if not the full world, to encompass their work.

By contrast, all of 91-year-old Doshi's built works are in India. Sure, India is the seventh-largest country by geographic area and the second-most populous, but Doshi's focus on his

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homeland is still radically narrow by the standards of today's jet-set architects. When, directly after his Pritzker Prize acceptance lecture, he was asked in a Q&A whether he regretted "not having built in other countries," his reply was a simple "No."

The intriguing wrinkle about this dedicated regionalist is his connection to two Brahmins of international modernism. Doshi's first employment was at Le Corbusier's atelier in Paris, where he worked on that architect's planned city of Chandigarh, India. Doshi subsequently forged a close relationship with Louis Kahn as well. The influence of Le Corbusier and Kahn is plain in Doshi's work, and he is given to invoking them in conversation; he has likened Le Corbusier to an acrobat and Kahn to a yogi—not a bad balance of muses.

Doshi has been reckoned among the first rank of Indian architects for half a century, and he figures prominently in almost any account of "critical regionalism"—the adapting of modernism to better engage with local climate and building traditions, prioritizing the multisensory lived experience of buildings. Critical regionalism arose in reaction to the tendency of the modernist International Style to indulge in visually impressive, intellectualized experiments with space. Doshi wrote about the wastefulness and surprising monotony of this tendency in a 1960 essay:

Rapid technological and scientific developments have led to a total rejection of age-old ways, substituting in their place a rootless expression of mere industrial functionalism. This has given us an art and architecture that is more or less uniform throughout the world. Non-affective and materialist expression over the last few decades has awakened many people who feel uprooted; they are trying to understand the cause and reason for abandoning the ideas of the past.

It would be a cartoonish overstatement to claim that every modernist is dismissive of the user's experience and of local building exigencies. Many modernists are intimately concerned with both, as can be seen in Le Corbusier's and Kahn's work in India. And Doshi's path was hardly a simple turn to tradi-

tionalism. His work fits comfortably within the modern idiom.

Still, even if there is something of a tendency to exaggerate the conflict between the requirements of modernism and of building in tropical climates, it is important to contextualize modernism's status in India. During the Raj, the British in India were given mainly to putting native trappings on European-type buildings (the Indo-Saracenic style). Doshi praises Edwin Lutyens—



Doshi (right) worked with Le Corbusier on the massive Chandigarh project.

the English architect who did important work in New Delhi early in the 20th century—but is largely dismissive of the built work of the colonial era, describing it as a "gap" in the historical continuum, "a sort of hybrid thing which does not possess the great qualities of either Indian or European architecture."

Modernism may have been an import but it wasn't exactly an imposition: The founding generation in India after independence was eager to embrace it. Some of the particular post-independence projects were unfortunate, yet it's less the buildings themselves than the orientation around the automobile that makes post-independence planning so bad. Lutyens's New Delhi was already not especially pedestrian-friendly; subsequent plans (inspired by the Ford Foundation) for the city's expansion were much worse.

Balkrishna Vithaldas Doshi was born in Pune in 1927, into a family with two generations in furniture and carpentry. In his Pritzker lecture he recalled his youth living in his grandparents' home

with 15 to 20 family members: "My memory of the house was not static; it was an amorphous place. And I thought even houses change, trees transform, and everything is transformed"—a principle that would go on to inform his sense of design. He had an early gift for art and was introduced to architecture by a teacher. In 1947—the year of India's independence from Britain and its partition from Pakistan—Doshi started formally studying architecture in Mumbai.

His career began with the era's most emblematic modern effort. Chandigarh was created to serve as a capital for Punjab, a state in northern India, after Punjab was divided in the partition and its historic capital, Lahore, became part of Pakistan. In 1950, the Nehru government, unhappy with other plans it had been offered, reached out to the famous Swiss-French architect Le Corbusier and invited him to propose a grand modernist scheme for the new city. Construction quickly got underway, and Le Corbusier placed his cousin in India to oversee the work sites; conversely, he hired Doshi to help him in Paris, where they worked together for four years. Photos from the time show Doshi, slender and bespectacled and looking not very different from how he still does, huddling earnestly with the modernist master.

Chandigarh is rigorously gridded, organized around four-lane roads on which today's motorized traffic proceeds far more effectively than in most Indian cities. These roads are unusually terrifying, even by the parlous



Doshi photographed in March at Kamala House (built 1963, extended 1986), his home in Ahmedabad, named after his wife

standards of India. (This author still bears a motorbike-inflicted scar on his hand.) The city is not the modernist dystopia one might imagine—it is no Brasilia—as the sectors created by the big avenues are generally pedestrian-friendly and feature many excellent buildings. Several of Chandigarh’s most notable and impressive structures were designed by Le Corbusier himself, and while they employed some methods less than ideal for Indian building circumstances he did make considerable efforts to adapt them to the locale.

In addition to Chandigarh, Doshi assisted Le Corbusier in the early 1950s on buildings in another Indian city, Ahmedabad. Doshi soon established his own practice there, and the city became his adopted hometown. A day’s drive north of Mumbai, Ahmedabad doesn’t figure prominently on most tourist itineraries despite its huge population. (As of the 2011 census, Ahmedabad had more than 5.6 million people, making it India’s fifth-biggest

city.) Known as the “Manchester of India” for its textile boom years, by the mid-20th century it had become home to a business elite inclined toward modernism. Le Corbusier was commissioned to design a museum, a building for the local mill-owners’ association, and several homes there. In 1962, Louis Kahn was commissioned (at Doshi’s recommendation) to design the Indian Institute of Management in the city. Doshi himself has built his largest concentration of structures in Ahmedabad, including his office building, Sangath (Sanskrit for “moving together”), which was constructed between 1978 and 1980.

A recent visit to Sangath required navigating a metropolis clogged with traffic—currently worsened and, one hopes, soon reduced by a metro system under construction along the very street Sangath is on. Many of the buildings on the street are tall and anonymous; Sangath is low-scale and distinctive. Once inside the white

wall that surrounds the building, you are routed through a bucolic garden and around a fountain and statuary. A series of half-circle vaults—some open-air, some with rooms beneath them—are suggestive of Kahn’s Kimbell Art Museum in Fort Worth, although the arrangement is much more pleasant and organic, and has been compared to Frank Lloyd Wright’s Taliesin West. The building’s entryway isn’t at all obvious; some exploration reveals a semi-concealed stairway beneath ground level.

I met with Doshi in a ground-floor conference room, indirectly lit—a hallmark of his work—and markedly cooler than the 106-degree air outside. He does not look his 91 years; he might be mistaken for 70 and seems to radiate the vigor of eternal experiment, ready with laughter and wry remarks. As we talked, Doshi unfailingly turned practical questions in humanist directions, starting with my experience of arriving at Sangath:

SAM PANTHAKY / AFP / GETTY

I like to give a sudden surprise. You came here and you saw the gate and you didn't know where to walk. You turn right and then you come in. These are my techniques of creating sudden surprises. You see, human beings are constantly thinking and worrying. I would like to break that and give them relief.

Doshi kept returning to this theme of providing relief and comfort. His emphasis on the human experience and his wariness of architectural experiment extend even to a preference for traditional drafting over computer modeling: "If you draw with your hand your whole body is involved, but when you are only commanding something you are not fully involved. That leads to detachment—it's like becoming numb."

Yet the most important thing about a structure is not how it comes to the drawing board but its fitness in a given place and its suitability for a way of living. Architecture, Doshi notes, intrinsically involves practical questions and quantifiable solutions that, with effort, can be applied in different locations. But "how is it matching?" How is construction suited to local circumstance? "My buildings everywhere are connected to local material, local technology, local craftsmanship, local climate." He gives his modernist mentor some credit for this. "The thing that I learned from Corbusier," he says, was the importance of nature, broadly understood: "Nature doesn't mean outside you, nature means the whole world around you so I work with that. ... I work with that energy, I work with that consciousness, and I work with what is around."

In his Pritzker lecture, Doshi spoke about finding inspiration in traditional Hindu temples when designing his own house in Ahmedabad:

When [one] enters there, there are different notions of spaces; the open space, the semi-covered space, then an enclosed place, then slowly a dark space. All those spaces change moods and finally you come to the inner sanctum where there is hardly any natural light but there is that silence and then there is that dimly lit kerosene or oil lamp.

Doshi has a virtuosic ability to create



Above, the entrance to the school of architecture (1966) at CEPT University offers a choice of stairways—to give the visitor a moment of discretion, Doshi says. Below, a section of Aranya Low-Cost Housing, a community designed by Doshi in Indore and built in 1989. The full complex houses more than 80,000 people in some 6,500 residences.



such variable spaces, with the character of rooms shifting as the light, air flow, and temperature change.

While the variation of interior light is considered during the planning of any half-decently designed building, in much of the world temperatures inside buildings are designed *not* to vary. In temperate and colder climates, the most important task of construction is generally enclosure. A distinction between indoors and out is the rule, so that every room possesses essentially the same climate while the world outside

changes as it will. In some places it's necessary to hermetically seal buildings against their climates; in others, doing so is an overreaction that forecloses on the possibility of more nuanced treatments.

In Ahmedabad, as in much of India, the primary requirement for buildings is the ability to handle extremes of heat and seasonal rain. Enclosure can be a barrier to natural shade and cooling. And just as there are countless ways to enclose a structure, there are countless ways not to do so.



Doshi's design for the Institute of Management in Bangalore (built in phases from 1977 to 1992) features interlocking buildings, courts, galleries, and gardens.

Ahmedabad beyond Sangath offers examples of most of Doshi's range of work, spanning decades, uses, and degrees of complexity—from the simple and modest to the grand and complicated. Some of his buildings are made of brick, like the stately, vaulted low-cost and middle-class housing he has designed.

Other Doshi buildings are in characteristically modernist concrete. He cites his experience at Chandigarh and Le Corbusier's use of concrete there: "If you were using steel it would not be

fluid. So all these forms and the kind of structures that he did—it would never have happened" without concrete. Sometimes, Doshi (drawing inspiration from Japanese architect Kenzo Tange) uses concrete in ways that resemble wood; sometimes he uses concrete in ways that earlier builders would have used stone. The attraction of concrete is chiefly in the diversity of ways it can be used—and, counterintuitively, in its intrinsically local nature, since, as Doshi stresses, it is always mixed either on site or nearby. "The moment it is fluid

you are free to do what you want to do."

The two Brutalist concrete theaters that Doshi and engineer Mahendra Raj built in Ahmedabad are strikingly different from one another. Premabhai Hall, completed in 1976, announces its function with a hulking brow cantilevered forward; it has been closed since 1997. Tagore Memorial Hall, completed in 1971, is still in use. Its boxy exterior, with massive folds in one wall, conceals its purpose.

The Gandhi Labour Institute, designed by Doshi in the 1980s, has a series of vaults in stone, brick, and concrete reminiscent of Sangath. The vaulted roof is a perfect climatic structural expedient in India, a means of catching the heat of the sun a distance from the lived space of a room and permitting a layer of breeze. It also affords the chance for varieties of indirect lighting.

In the 1960s, Doshi founded the Centre for Environmental Planning and Technology—now CEPT University—and over the decades erected its several buildings. The university's architecture school is a brick-and-concrete structure, exceptionally open and virtually doorless, raised over a plaza. It is nestled between hillocks and a principal quadrangle.

Some of Doshi's buildings seem more modern, some more traditional, but most are recognizably both; squinting at his modernism reveals a vernacular lineage and peering closely at his traditionalism reveals its contemporary innovations. He classifies his own work differently, along a continuum from "straight" buildings (generally his older works) to "plastic" buildings (his later works). An example of a straight building would be his Institute of Indology, a short walk south of CEPT University. Completed in 1962, it looks at first like it could sit at almost any 1960s university—an example of imposing, geometric concrete monumentalism. On second glance, however, it is highly permeable: A lower level is shielded from the elements but the remainder is deceptively airy and open.

Tucked between the university and the institute is Doshi's most fantastical work, the Amdavad ni Gufa, a

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Above, the inside of Amdavad ni Gufa (1994), Doshi's cave-like art gallery in Ahmedabad, has undulating ferro-cement walls and pillars that look as if they were naturally formed. Below, the structure's multi-domed roof is covered with a mosaic of broken white tiles.

subterranean gallery designed in collaboration with the Indian artist M. F. Husain. From the outside it looks like a collection of domes bulging from the ground; its curving inside is a painted cave, complete with artful stalagmite-like pillars. Doshi calls it “completely plastic” and compares its design and construction to “making a sculpture, a mixed sculpture, a spatial sculpture that you have to [give] life and ventilation and space.”

Architecture necessarily involves measurable qualities, from how to support a structure to how to ensure that it is efficient and suited for its purpose. But with the Gufa, Doshi wanted something different. “Gufa is an unmeasurable experience,” he says. Making it “unmeasurable was my challenge to myself.”

Among Doshi's many projects outside Ahmedabad are several housing developments, such as the Aranya



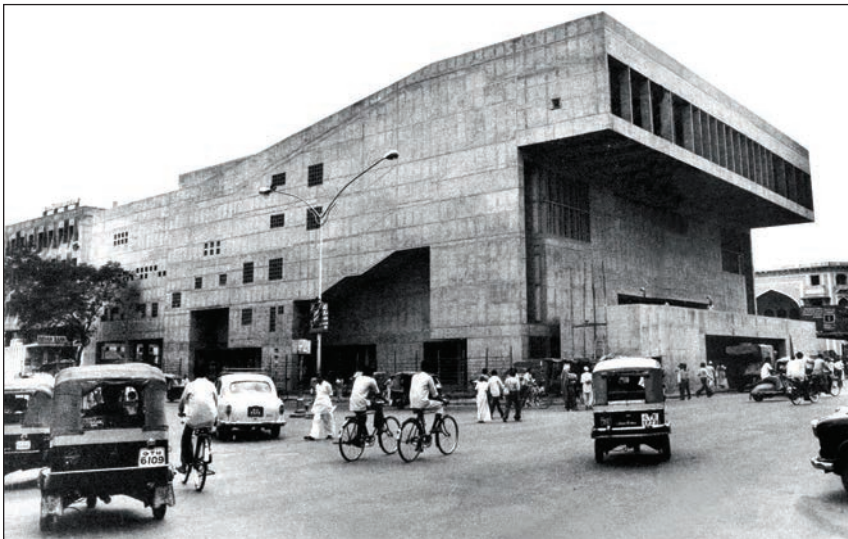
complex near Indore, Vidhyadhar Nagar near Jaipur, and a number of smaller efforts—all attempts, in part, to combat urban planners' obsession with the automobile. Even as a disciple of Le Corbusier he criticized Chandigarh as inadequately dense beyond its first planned sector and overly reliant on the automobile. “It's a whole question of scale,” he told

me. “We are not talking about the human scale anymore. When you make all these driveways, large highways, you create structures,” then “speed, the meaning of time, the meaning of energy, the meaning of personal use, relationships change.”

Doshi's housing developments have prioritized density and walkability while still allowing ample freedom for residents to alter their dwellings—modifying and expanding as they wish. This is surprising given many marquee modernists' control-freak reputations. While Doshi unquestionably builds extremely deliberate features into his work, he is receptive to and even encouraging of ways that users might adapt his designs. “My attitude to life and relation with the world around is inclusive and not exclusive,” he explained. “I learn a lot from nature and in nature the natural law is to empower what the seed is



Two of Doshi's concrete creations in Ahmedabad: above, the Institute of Indology (1962); below, Premabhai Hall (1976), closed since 1997



about. . . . What is inherent in the seed must blossom.”

Doshi's quest, as he sees it, has been to make a living architecture. This is what has pushed him to try new things—not planned-out formalized experimentation but a kind of evolutionary growth. “Not one project is identical. I am not the same every day. I am changing. My buildings are changing. I give my life to my work.”

Doshi has argued against the visual fixation of much modernism, which often prizes the perfect view over lived experience. But his own highest priority

has hardly been the creation of comfortable cocoons. As he wrote in the 1980s in his essay “Between Notion and Reality,”

Supreme among architectural experiences are ones which occur along routes of movement and in spaces that could be characterized as *pause* or *ambiguous plural* spaces. These spaces activate the human psyche and induce it to sink toward the center, the mythical world of human's primordial being.

The uncertainties induced by his buildings can be puzzling—as when I had to search for the door to his office—but

also enriching. At the CEPT architecture school, the main entrance features a choice of two stairways—designed that way purely to provide the visitor a moment of discretion. Such distinctively Doshian spaces of repose and choices of navigation remind us of who we are:

Is an architect a human? Does the architect have a human spirit? Or has he a technological spirit? Is he fascinated by the human spirit of sensitivities or is he thinking about the adventurous things which have nothing to do with feelings? . . . We are living in a technological world. We are fascinated by it but when it comes to living we need to know how to balance both and that balance has to be a project.

An unabashed modernist whose work invokes traditional forms, Doshi embraces a humanist philosophy of architecture that stretches beyond the atomistic question of situating a single building in a void and addresses broader problems of urban form—never losing sight of the fact that urban form should adapt to the human form and its patterns of life, not the reverse. “I’ve written ‘what touches life, lasts.’ And that’s all I do as an architect.”

Asked finally what he was currently working on, he replied “Silence” and laughed. ♦

IMAGES: COURTESY OF VSF

My Musical *Antonia*

Willa Cather's classic, now 100 years old, still sings and dances. BY JOHN CHECK

Willa Cather, as Joseph Epstein recently wrote in these pages, was the most cultured American novelist of the 20th century. One aspect of Cather's culturedness was her knowledge and love of music, a subject about which she often wrote. As a young critic for the *Nebraska State Journal*, Cather stringently reviewed performances by visiting singers and pianists. Musical characters abound in such short stories as "Eric Hermannson's Soul" (1900) and "A Wagner Matinee" (1904), fruits of her decade in Pittsburgh working as a journalist and teacher. Thea Kronborg, the heroine of Cather's *The Song of the Lark* (1915), is an operatic soprano. The form of *The Professor's House* (1925), Cather held, "was very much akin to the arrangement followed in sonatas" albeit "handled somewhat freely." In short, music was a pigment on Willa Cather's imaginative palette, one she used to render her characters vivid and memorable.

Cather's best-known work, *My Antonia*, was first published in the fall of 1918; it remains required reading for many high schoolers today. The novel's centenary is a fitting occasion to consider one of its underappreciated qualities: its musical hues, values, and intensities.

My Antonia is the story of Antonia Shimerda and her transformation over more than 30 years from a poor immigrant child to a prosperous farmer and mother. The narrator is her admirer Jim Burden. Having at the outset of the story lost his parents, Jim has been sent from Virginia to live with his paternal grandparents on their farm outside

Black Hawk, Nebraska (a fictionalized version of Red Cloud, where Cather grew up). The Shimerdas are the Burdens' neighbors.

The novel's first distinctly musical character is Antonia's father, a violinist. Life has been hard on him. At the



Willa Cather, circa the late 1920s

behest of his domineering wife, he moved his family from Bohemia to America, buying land at an inflated price, having been told that prosperity awaits him in the new world. His oldest child, Ambrosch, is disagreeable and small-minded. His other son, Marek, is cognitively impaired and suffers from a congenital malformation of the limbs. In spirit, Mr. Shimerda is closest to the elder of his two daughters, Antonia, who alone perceives his quality and divines his temperament.

Unfortunately, Mr. Shimerda is old, weak, and ill suited for farm work.

His "well-shaped" hands look somehow "skilled," not hardened by the field. His face is one "from which all the warmth and light had died out." If Alexandra Bergson, the heroine of Cather's *O, Pioneers!* (1913), looks to the barren Nebraska country with "love and yearning," foreseeing a bright and prosperous future, Mr. Shimerda looks to it with regret and in utter defeat. Back in Bohemia, he earned extra money playing his violin for weddings and dances. His dearest friend was a trombone player, and the two of them talked and played music endlessly. But in his new country, Mr. Shimerda refuses to play his violin, even when begged to do so by his favorite child. Perhaps its sound would remind him too poignantly of the role he once played and the fellowship he has lost.

Mr. Shimerda's sorrow soon overwhelms him and during an obliterating snowstorm he obliterates himself. Antonia redoubles her efforts to make the family farm a success—and she keeps alive his memory, recalling especially his intelligence and refinement. His presence, like a recurring theme in a musical composition, hovers over the novel.

The most intensely musical chapters of *My Antonia* occupy the middle of the book. A few years after her father's death, Antonia goes to Black Hawk to work for the Harlings, a prosperous family living next door to Jim, who has himself moved to town along with his grandparents. At the center of the Harling household is the matriarch, Mrs. Harling. However busy she is, she finds time each day to play the piano. She plays not to impress others (as does the title character in Henry James's *The Princess Casamassima*) nor to get what she wants (as does Emma in Flaubert's *Madame Bovary*). Rather, Mrs. Harling plays for her own benefit and as a way of cultivating herself and entertaining her family and friends. She takes music so seriously that Jim has learned not to disturb her in the middle of a practice session, when her fingers are "moving quickly and neatly over the keys" and

John Check teaches music theory at the University of Central Missouri.

her eyes are “fixed on the music with intelligent concentration.” In Mrs. Harling’s piano playing, we perhaps see a reflection of Willa Cather’s own patient and steady self-cultivation.

The four Harling daughters are musical, too, which makes their house a lively place. “On Saturday nights,” Jim reports, “Mrs. Harling used to play the old operas for us—‘Martha,’ ‘Norma,’ ‘Rigoletto’—telling us the story while she played. Every Saturday night was like a party.” One imagines her presiding at the keyboard, playing arrangements of thickly orchestrated operas, pausing between numbers to set the scene for her spellbound audience. How real the stories of these operas must have seemed, stories that acquire life and light through melody and harmony.

Immediately following the chapters about the Harlings is a chapter that Richard Giannone, in *Music in Willa Cather’s Fiction*, calls the book’s “pulsating center.” “Occurring as it does in the very middle of the novel,” he writes, “it gives off the emotional—the musical—impulse which reverberates throughout.” The chapter tells the story of Samson d’Arnault, a prodigiously talented blind African-American pianist. Blind d’Arnault, as he is known, is staying for a few days at a hotel in Black Hawk as he barnstorms through the Plains. When he was a boy, growing up on the d’Arnault plantation in the South where “the spirit if not the fact of slavery persisted,” Samson would run away from home, always in the same direction—to the plantation house where Nellie d’Arnault practiced piano. When she took a break, Miss Nellie sometimes spotted him at her window, listening intently, wearing a look of positive “rapture.”

One day as he listened, Samson heard her shut the lid of the piano and leave the room. Something overcame him. He began to climb in through the window. Fearful he might be caught, he almost lost heart, but he was too close to turn back. He felt his way to the instrument, sat down, acquainted himself with the geography of the keyboard—and discovered he could repeat what he had heard while standing at

the window. In a flash, he realized that music “was to piece him out and make a whole creature of him.” If suffering and deprivation were holes in the garment of his life, music was the mending patch. He was soon taken into the home of the d’Arnaults to develop his gift. So relentlessly did he practice, Cather writes, “he wore his teachers out.”

The portrait of Samson d’Arnault illustrates a point made by Joseph Epstein. “Better than any modern writer,” he holds, Cather “appreciated human dignity and understood what lay behind it.” Consider Samson’s entrance at the Black Hawk hotel: “The door from the office opened, and Johnnie Gardener [the proprietor] came in, directing Blind d’Arnault—he would never consent to be led.” The last clause is rich in implications. He would consent only to be directed—one would think from behind. He must have thought himself too substantial a man, too dignified, to be led by the hand, as though he were a helpless child. In overcoming the obstacles of blindness and racism, he exemplified the motto of John William “Blind” Boone, one of the pianists on whom Cather based the character of Samson d’Arnault: “Merit, not sympathy, wins.”

For Jim Burden, now in high school, summers in Black Hawk can be so dull that silence seems “to ooze out of the ground.” This is why the arrival of the Vannis, a couple from Kansas City, provides such welcome relief. The Vannis establish a pavilion where they lead dances and give dance lessons to the children of the town’s “ambitious mothers.” The pavilion is soon “the most cheerful place in town”; it attracts young people from miles away, drawn by the music and the promise of a good time.

None is drawn more than Ántonia. Dancing appeals to her elementally; it is her spirit’s way of responding to the music she associates with her father. Soon she is considered the best dancer in town. Jim grasps part of the reason why: Her moves on the floor are a sign of spontaneity (“she had so much spring and variety, and was always putting in new steps and slides”) and

hearty physicality (“When you spun out into the floor with [her], you didn’t return to anything”). The more she dances, the more she enjoys herself:

Ántonia talked and thought of nothing but the tent. She hummed the dance tunes all day. When supper was late, she hurried with her dishes, dropped and smashed them in her excitement. At the first call of the music, she became irresponsible. If she hadn’t time to dress, she merely flung off her apron and shot out of the kitchen door. Sometimes I went with her; the moment the lighted tent came into view she would break into a run, like a boy. There were always partners waiting for her; she began to dance before she got her breath.

Ántonia’s great enthusiasm is a sign of her need for freedom and expression. Inspired by music, she finds in dancing a temporary release from the drudgery of her constant toil.

Her enthusiasm, however, sometimes clouds her judgment. One of her dance partners, Larry Donovan, falls in love with her, proposes marriage, and then abandons her. It is not clear whether he leaves before or after realizing she is pregnant with his child.

In the coda of *My Ántonia*, Jim picks up the thread of Ántonia’s story 20 years later. On a visit to Nebraska, he learns that she has flourished. She is happy, successful, full of purpose, her family rooted deeply in the soil Mr. Shimerda found so foreign. One evening, Jim, in the company of Ántonia and her husband, Anton Cuzak, is treated to a musical performance by some of their children:

After supper we went into the parlour, so that Yulka and Leo could play for me. Ántonia went first, carrying the lamp. There were not nearly chairs enough to go round, so the younger children sat down on the bare floor. Little Lucie whispered to me that they were going to have a parlour carpet if they got ninety cents for their wheat. Leo, with a good deal of fussing, got out his violin. It was old Mr. Shimerda’s instrument, which Ántonia had always kept, and it was too big for him. But he played very well for a self-taught boy. Poor Yulka’s

efforts were not so successful. While they were playing, little Nina got up from her corner, came out into the middle of the floor, and began to do a pretty little dance on the boards with her bare feet. No one paid the least attention to her, and when she was through she stole back and sat down by her brother.

This passage is full of echoes. The strings of Mr. Shimerda's violin are at last sounding again. The name of Antonia's daughter Nina recalls Nina Harling, Antonia's favorite among the Harling girls. Nina's "pretty little

dance" shows she responds easily and naturally to what moves her—and suggests that daughter is very much like mother, possessed of the same potential for goodness, liveliness, and love.

The music in *My Antonia* binds the characters across the generations and, for us readers, endows them with vividness and depth. Revisit Willa Cather's subtle and imperishable story as it begins its second century and you may find yourself taking its characters into your being much as you remember a favorite song. ♦

BCA

Making of a Naturalist

The island childhood that inspired Gerald Durrell's career (and a PBS series). BY DANNY HEITMAN

Each Sunday through November 18, public television's *Masterpiece* is airing the third season of *The Durrells in Corfu*, which is loosely based on Englishman Gerald Durrell's memoirs of his childhood shortly before World War II on a lovely island off the coast of Greece. The series, also available through various streaming services, has gained a legion of loyal viewers who might be surprised to know about its striking departure from Durrell's original story, which is considerably quirkier and thornier than this once-over-lightly production.

Durrell (1925-1995) was born in India, but after the death of his engineer father in 1928, the family returned to England. They spent some time on the Continent, too, and in 1935, Durrell's widowed mother Louisa moved the household to Corfu, a decision that Durrell blithely explained, in his best-selling 1956 memoir *My Family and Other Animals*, as part of a search for



Gerald Durrell and friend, 1949

a better climate: "We sold the house and fled from the gloom of the English summer, like a flock of migrating swallows." The reasons for relocating were no doubt more complicated, including the fact that with little money, the Durrells could live more cheaply abroad.

Corfu deepened Durrell's fascination with wildlife, a passion that pointed him toward his work as a professional naturalist. The Durrells lived in Corfu until the arrival of World War II in 1939, when they returned to England. Gerald would go on to found the Jersey Zoo and the Durrell Wildlife Preservation Trust, launching expeditions

to the remote reaches of the globe to collect specimens. His interests were expensive, and he claimed that he wrote books simply to help pay the bills.

Gerald Durrell's writing invited comparisons with that of his older brother Lawrence, who focused strictly on a literary career and is best known—to the degree that he's still known at all—for *The Alexandria Quartet*, a series of four novels set in Egypt.

Gerald Durrell took pains to dispel any sense of a rivalry with his author sibling, crediting Lawrence with helping him thrive in the world of letters. Gerald dedicated one of his memoirs, *Fillets of Plaice*, to "my brother Larry, who has always encouraged me to write and has rejoiced more than anyone in what success I have had." Explaining the distinction between him and Lawrence, Gerald Durrell once said that while Lawrence wrote literature, he merely wrote books that people wanted to read. Lawrence died in 1990, and although he's not read much anymore, *Bitter Lemons*, a 1957 autobiographical account of his later years in Cyprus, deserves a wider audience.

The Durrell brothers were both great at travelogue, but Gerald had the common touch. In *My Family and Other Animals*, as well as two follow-up Corfu memoirs, *Birds, Beasts, and Relatives* in 1969 and *Fauna and Family*, alternately published as *The Garden of the Gods*, in 1978, Durrell told stories that read like a cross between James Herriot's *All Creatures Great and Small* and James Thurber's *My Life and Hard Times*. Though naturalists aren't known for their humor, Durrell had a keen sense of the absurd—and an abiding assumption that among the vast exotica of earthly life, the most bizarre species was his own.

Durrell mentions that *My Family and Other Animals* "was originally intended to be a mildly nostalgic account of the natural history of [Corfu], but I made a grave mistake by introducing my family into the book in the first few pages. Having got themselves on paper, they then proceeded to establish themselves and invite various friends to share the chapters. It was only with the greatest difficulty, and by exercising considerable cunning, that I managed to retain a

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PA IMAGES / GETTY



The cast of *The Durrells* in Corfu, now in its third season on *Masterpiece* on PBS

few pages here and there which I could devote exclusively to animals.”

Even so, Durrell’s impressions of butterflies, beetles, birds, spiders, tortoises, lilies, fireflies, and other wonders are the beating heart of his books. Here, with his usual gift for metaphor, Durrell describes Corfu’s toads:

Each one had a girth greater than the average saucer. They were greyish-green, heavily carunculated, and with curious white patches here and there on their bodies where the skin was shiny and black in pigment. They squatted there like two obese, leprous Buddhas, peering at me and gulping in the guilty way that toads have. Holding one in each hand was like holding two flaccid, leathery balloons, and the toads blinked their fine filigreed eyes at me, and settled themselves more comfortably on my fingers, gazing at me trustfully, their wide, thick-lipped mouths seeming to spread in embarrassed and uncertain grins.

The passage reads like a transcription of a Chuck Jones cartoon, amply embracing anthropomorphism and slapstick, two elements not typical in nature writing. But Durrell’s narratives, conveyed through the eyes of a child, bubble with the subversive sensibility of boyhood, which is one of their prevailing charms.

Another signature of Durrell’s memoirs is the moment when the farce of flora and fauna evolves into domestic comedy, as when he brings his newfound toads indoors, prompting the family’s squeamish friend and all-around fixer, Spiro, to lose his lunch.

My *Family and Other Animals*, a one-episode 2006 *Masterpiece* adaptation that took its title and source material from Durrell’s most famous book, deftly captured his wry vision, with the acerbic Imelda Staunton on board as Durrell’s resilient if slightly daft mother, Louisa.

The current TV version, extended to series length, is beautifully filmed on location in Corfu, but the plots, which bear only a passing resemblance to Durrell’s books, have about as much emotional resonance as an episode of *The Love Boat*. The production centers on Louisa, rendered as a blandly beatific matriarch by the flawlessly dressed and coiffed Keeley Hawes. She seems much too composed to portray Louisa—a mother who, as drawn by Durrell, navigated life as an erratic exercise in improvisation.

Other deviations from Durrell’s original vision abound, but the most notable change is that Durrell himself, the youngster ostensibly driving the story, has been relegated to a minor supporting character played by Milo Parker. So the show downplays depictions of little Gerry’s encounters with outdoor plants and creatures—underscoring the challenge of dramatizing the lives of naturalists on film and television. They’re often loners, and crafting yet one more scene of a curious soul having an epiphany over a cobweb or a rabbit hole will get a screenwriter only so far.

What the series does convey, with

sterling fidelity to Gerald Durrell’s vision, is the geographical beauty that informed his memoirs. Every episode of *The Durrells* bathes the retinas in Mediterranean blue, evoking scenery he described so masterfully in his prose. His first sight of Corfu is captured with the language of a memorable stylist:

The sea lifted smooth blue muscles of wave as it stirred in the dawn light, and the foam of our wake spread gently behind us like a white peacock’s tail, glinting with bubbles. The sky was pale and stained with yellow on the eastern horizon. Ahead lay a chocolate-brown smudge of land, huddled in mist, with a frill of foam at its base. This was Corfu. ... The endless, meticulous curves of the sea flamed for an instant and then changed to a deep royal purple flecked with green. The mist lifted in quick, lithe ribbons, and before us lay the island, the mountains as though sleeping beneath a crumpled blanket of brown.

Were he still alive, Durrell might be surprised at how his memoirs have been adapted lately, but he might not be disappointed. He wasn’t above his own bits of poetic license, masking darker aspects of his family life. The Durrell clan was prone to depression and drinking, two demons that dogged him as well, although those unpleasantnesses don’t figure directly in his work. He doesn’t even mention the approach of global conflagration as the family leaves Corfu at the end of *My Family and Other Animals*, instead casting the Durrells’ return to England as prompted by his need for a better education.

Yet there’s a note of elegy resonating just beneath the surface of Durrell’s books, a sense that nothing grand is ever permanent. It’s what drove him, once he grew up, to advocate for wildlife conservation. “Durrell was conscious of loss all his life,” British journalist Simon Barnes once noted. “The fact that wonderful things can be taken away forever was something that defined him.”

Gerald Durrell’s Corfu was, like most Edens of youth, a paradise ultimately lost. To read his memoirs of those early days is to regain that vanished world in all its former vitality—and to remember our own childhoods, when anything seemed possible. ♦

JOSS BARRATT FOR SID GENTLE FILMS AND MASTERPIECE



Star Turn

Gaga and Cooper shine—and Hollywood should make more melodramas. BY JOHN PODHORETZ

There are two great showbiz myths dating back to the earliest days of the talkies. The first is the *42nd Street* myth, in which a humble understudy

gets the chance of a lifetime, goes out there a youngster, and comes back a star. What's interesting about *42nd Street*, which was made in 1933, is that it's not the upbeat peppy musical you think it is. Rather, it's a saucy adult tale about the staging of a Broadway show in the middle of the Depression during which almost everything goes wrong.

The second great showbiz myth concerns the talented nobody who is taken under the wing of a famous performer and who ascends while the famous person declines and falls. That's the story of *A Star Is Born*, first made under that name in 1937 (but preceded, five years earlier, by the very similar *What Price Hollywood?*). Hollywood has long since stopped making melodramas—and that is what *A Star Is Born* is, a classic melodrama with an overwrought ending. Unlike the *42nd Street* myth, which allows you to jettison the ambiguous ending, the *Star Is Born* myth is solely a cautionary one about how fame imposes horrific costs in the form of jealousy and self-destruction. You get what you want and you lose it all too.

Taking bits and pieces from every one of its antecedents, the new version of *A Star Is Born* stitches together a story that is unbelievable on its face but entirely believable on its own terms. The aging country rocker Jackson Maine (Brad-

A Star Is Born
Directed by Bradley Cooper



Bradley Cooper and Lady Gaga

ley Cooper) drunkenly stumbles into a transvestite bar called Bleu Bleu just as James Mason's Norman Maine stumbled into a bar of the same name in the 1954 version. Mason found Judy Garland singing "The Man That Got Away." Cooper finds Lady Gaga singing "La Vie en Rose." Both performances are so staggering—Lady Gaga possesses a once-in-a-generation vocal talent just as Judy Garland did—that you understand why these men instantly fall hard for these women they do not know.

It's difficult to capture just what a revelation Lady Gaga is in this movie. In 2008, the performer born Stefani Germanotta landed on pop music with the impact of a meteor crash as perhaps the most mannered female on earth. She wore dresses made of meat, garbed herself in outré wigs and wild costumes, and cavorted in such a stylized fashion that there seemed to be no there there. She was an art installation in human form.

What Bradley Cooper, who directed and cowrote *A Star Is Born*, has done is literally wash her clean of her affections. Playing Ally, a limo driver's daughter who works as a hotel waitress and writes songs she's too afraid to sing, she looks vulnerable and ordinary and fetching all at the same time—adjectives no one would have thought to apply to Lady Gaga before. In the annals of surprising debuts, this one ranks with Diana Ross turning herself into Billie Holiday in 1972's *Lady Sings the Blues* and Bette Midler becoming Janis Joplin (in all but name) in *The Rose* in 1979. What's different here is that Ally was not based on a real-life person, so Lady Gaga had to build the character from the ground up. And it's a character, moreover, who comes under jealous attack from her beloved for becoming a false representation of herself—in other words, for becoming like Lady Gaga.

The drama in *A Star Is Born* doesn't emerge from Ally's rise but from Jackson's fall. In previous versions, at least viewed today, the male lead's fall is almost risible because of

how hysterically it is rendered. Cooper, an actor I've largely been indifferent to before but who gives an absolutely beautiful performance here, finds the tragedy in Jack's collapse because from the beginning his Jack is a genuinely good guy whose demons are real and who drags his shame over his drinking and drugging along with him like Jacob Marley's chains.

If Hollywood knows what's good for it, and it doesn't, it'll start making melodramas again—because *A Star Is Born* isn't only a knockout of a picture, it's a template for how to bring people back into the theaters to see something other than a sequel or a cartoon or a superhero. Tell a story about adults. Set it in a recognizable world. Have them played by deglamorized glamorous people. Let them be decent but flawed. Give them a chance, and then show how their lives go off the rails and how they must struggle. Do it well. People will watch. It's what we want.

WARNER BROS.

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